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## EARLY COPYRIGHT LITIGATION AND ITS BIBLIOGRAPHICAL INTEREST


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THE early history of the Stationers' Company is frequently cited as an illustration of the Tudor genius for compromise, for governmental control of the press was successfully combined with a measure of industrial self-government. During the second half of the sixteenth century and the early part of the seventeenth century the Company exercised a threefold authority: (1) it regulated conditions of production and labor within the trade; (2) it protected the rights of its members in their property; and (3) it acted as the intermediary by which the government controlled the press. But if the seventeenth century is interesting to the political historian for the breakdown of the Tudor compromise it is likewise interesting to the historian of the press for the decline of the Stationers' Company. All three functions just enumerated were either lost or drastically curtailed, and of them the last was the first to go.

During most of the period of the Civil War, Parliament ex-

ercised direct control over the press, and after the Restoration it continued to do so by means of the Licensing Act of 1662 which, except for one interval, remained in force until 1693. It is true that even after 1693 the real battle for the freedom of the press had still to be won, but when it was fought out in the eighteenth century the Company had no part in the struggle. The protagonists were Parliament on the one side and a few obstreperous individuals on the other.

The decline of the Company is also to be seen in its Registers, which in the latter part of the seventeenth century record only a fraction of the output of the press. A. W. Pollard has shown that several attempts were made to compel stationers to enter their publications, but without any lasting effect.[1] The trade clearly felt that an entry had lost some of the significance it once possessed, and that it was more important to comply with the regulations about licensing which Parliament had imposed. When the Licensing Act lapsed the stationers, as we shall see, soon found that their Company was incapable of protecting their rights, and the Copyright Act of 1709 was passed by Parliament in response to their repeated petitions.

Still further evidence shows how the Company's control of the trade was relaxing. The careers of Francis Kirkman and Richard Head, co-authors of *The English Rogue*, are instructive. Kirkman, who was active as bookseller and publisher between 1658 and 1680, was never a member of the Stationers' Company. He was a Blacksmith by patrimony, but, as a citizen of London claiming the right to trade freely within the City, he could set up shop and sell books or any other form of merchandise he chose. It is true that he could not enter books in the Stationers' Register, but he could always get his printer to do this if he thought it necessary. On the other hand, Head was a freeman of the Company,[2] and,

[1] *Some Notes on the History of Copyright in England, 1662-1774*. In: *The Library*, III, 1922-23, pp. 97-114.

[2] According to the Freemen's Book he was admitted on June 4, 1660.

though his activities as bookseller and publisher were of the slightest, he sometimes found it useful to be able to enter the books he had written. Clearly, the old guild system was fast breaking down.

During the first century of its existence, however, the Stationers' Company was the main arbiter of disputes as to the "right of copy," the phrase used in Milton's *Aereopagitica* and generally by the stationers. It settled cases arising between its members and enforced its own rights in the "common stock."[3] But there were certain restricted but highly important books, such as Bibles, prayer-books, and statutes, over the printing of which the Company had no control. The right of copy in these had been reserved to the Crown and the printing of them had been vested in a few privileged individuals, such as the King's Printer, by royal patent.[4]

In all these provisions an author had no share. He, of course, made his bargain with a printer, and if he parted with his manuscript for a price he surrendered all further rights in it. Government was concerned only with the control of the printing trade, not with the rewards of authorship. No system of royalties had yet been thought of, but it did occur to an occasional author in the seventeenth century that it might be possible to obtain exclusive rights in his work by means similar to those by which some of the printers had obtained special privileges. In 1618, for instance, the dramatist Thomas Middleton secured a patent conferring on his nominee William Alley the right of sole printing for his tract *The Peacemaker or Great Britain's Blessing* (sometimes ascribed to James I himself), and in the following year it appeared with the phrase "cum privilegio" at the foot of the title-page.[5] Similar patents

[3] W. W. Greg and E. Boswell. *Records of the Court of the Stationers' Company, 1576 to 1602*, pp. xlvi-xlviii and lxiv-lxix. See further C. B. Judge. *Elizabethan Book-Pirates, passim*, and H. R. Hoppe. *John Wolfe, Printer and Publisher*. In: *The Library*, XIV, 1933-34, pp. 241-288.

[4] Greg, *op. cit.*, pp. lxiv-lxv, lists the principal patents in force during the period 1576-1602.

[5] *The Works of Thomas Middleton*, ed. A. H. Bullen, I, pp. xliv-xlvi.

for varying terms of years were secured by Samuel Daniel for his *Collection of the Historie of England*, 1618, by George Sandys for his translation of Ovid's *Metamorphoses*, 1626, and by Sir William Alexander for his *Psalms of King David*, 1628.[6] Historically and legally author's copyright was a monopoly, and it was secured by the same means as any other monopoly.

There is nothing to suggest that any seventeenth-century authors had recourse to the law-courts over the violation of such privileges. In cases of dispute or piracy, all that was usually necessary was that the patentee should present himself and his patent before the Court of the Stationers' Company. Sandys's *Ovid*, for instance, was pirated in 1628 and apparently again in 1631, but on both occasions he obtained speedy redress by appealing to the Court.[7] Even when no patent was involved, it was possible in certain circumstances for an author, or the owner of an unpublished manuscript, if he were sufficiently notable or powerful, to assert his rights. On several occasions the King's Men were successful in preventing the publication of their plays,[8] and the Court Book of the Stationers' Company contains the following minute under the date December 3, 1660:

> The Lord Powess haueing heretofore compiled a Romance Entituled & imployed Mr. Griffin at the said Lordships proper charge to print an impression thereof, & haueing lately made some adicions thereto with intent to reprint it at his like chardg came this day to the Court & complained that the widow of Mr. Griffin aforesaid layd claime (by entrance) to the Originall Copie, soe that his Lordship could not proceed in his designe, withall affirming on his Honour (& offering alsoe his Oath) that he never contracted with Mr. Griffin for, or gave him a right in the said Originall, & Mrs. Griffin (now attending) haueing only the entrance of the said booke to offer in behalfe of her title, the Court willing to doe Justice to both partys referred to the whole (by their consent alsoe) to

[6] R. B. Davis. *Early Editions of George Sandys's "Ovid": the Circumstances of Production.* In: *Papers of the Bibliographical Society of America*, XXXV, 1941, pp. 255-76 at p. 267.

[7] *Ibid.*, at pp. 270-71.

[8] *Variorum Shakespeare*, 1821, III, p. 159, and *Malone Society Collections*, I, pp. 364-69.

our Master who was desired to put such finall & speedy issue thereto, as shalbe Just.[9]

But in this case the author was a peer; furthermore, he had not sold his manuscript but had himself defrayed the costs of printing.

It is symptomatic of the decline of the Stationers' Company that after the Restoration lawsuits over books and rights in their publication began to come fairly frequently before the English courts. The Company was apparently no longer capable of settling such disputes by its own authority.[10] Between 1660 and 1709, when the first Copyright Act was passed, at least sixteen suits were brought,[11] and nearly all of them were based on privileges conferred by royal patent.[12] But the patents involved were of much larger scope than those which had been granted to individual authors. The Company itself owed its own privileges to patents; other

[9] Court Book D, fo. 63 *a*. Manuscript contractions here and elsewhere in this article have been silently expanded.

It is unfortunate that the clerk did not catch the name of the book. The only known work of Percy Herbert, second Baron Powis, is *Certaine Conceptions or Considerations of Sir Percy Herbert upon the strange change of Peoples dispositions and actions in these latter times. Directed to his sonne.* This does not sound like a romance (unless the clerk was being ironical), but it was entered in the Stationers' Register by Edward Griffin on March 27, 1652, and printed by him in the same year. It is quite possibly the book at issue, even though no later edition of it is known.

[10] Greg, *op. cit.*, pp. xlvii and xlviii, mentions several lawsuits between 1576 and 1602 in which both individual stationers and the Company were engaged, but it is clear that this method of settling disputes was exceptional.

[11] *Stationers* v. *Law Patentees*, 1664-67, Carter, p. 89; *Roper* v. *Streater*, 1670, *cit.* 2 Chan. Cases, p. 67, and Skinner, p. 234; *Mayo* v. *Hill*, 1673, *cit.* 2 Show. K. B., p. 260; *Stationers* v. *Seymour*, 1677, 1 Mod., p. 256; *Ponder* v. *Braddill*, 1679, Lilly's Modern Entries, I, p. 67; *Stationers* v. *Marlowe*, 1680, Lilly's Modern Entries, p. 63, and *cit.* 2 Show. K. B., p. 261; *Stationers* v. *Gayne*, 1681, *cit.* 10 Mod., p. 107, and H. R. Plomer's *Dictionary of Printers and Booksellers from 1668 to 1725*, *sub* Gayne; *Stationers* v. *Lee*, 1681-83, 2 Chan. Cases, pp. 66, 76, 93 and 2 Show. K. B., p. 258; *Stationers* v. *Wright*, 1681-83, *cit.* Skinner, p. 234; *Hill* v. *University of Oxford*, 1684, 1 Vern., p. 275; *Stationers* v. *Parker*, 1685, Skinner, p. 233; *Stationers* v. *Skinner*, 2 Inst., p. 47; *Stationers* v. *Edwards*, 1696, Plomer, *op. cit.*; *Stationers* v. *Wellington*, 1703, Plomer, *op. cit.*; *Stationers* v. *Gwillim*, 1706, Plomer, *op. cit.*; *Stationers* v. *Partridge*, 1712, 10 Mod., p. 105.

[12] "Letters patents or grants of privilege heretofore made or hereafter to be made of, for, or concerning printing" had been specially exempted from the operation of the Statute of Monopolies of 1624 (21 Jac. I, cap. 3, sec. 10).

important grants were held by the two universities, by the King's Printer, and by a certain Colonel Atkins, who had succeeded to the right of printing law books. At one time or another the privileges conferred in all these patents were challenged. But in twelve of the sixteen cases the Stationers' Company brought the action, and in nine out of the twelve they took proceedings against printers and booksellers who had infringed their right to the sole printing of such permanent best sellers as primers, psalms, and almanacs. Thus a large proportion of these suits represent the attempts of the Company to buttress its crumbling authority. Most of them, however, are barren of literary interest, and only two merit further mention.

*The Company of Stationers* v. *Partridge*[13] is in many respects a typical example of the litigation of the first period, though it dragged on until three years after the passing of the Copyright Act. However, it deserves singling out for two reasons. First, there was the notoriety of the defendant, who had survived the mockery of Swift's attack in *The Bickerstaff Papers* but now had to suffer the humiliation of being charged in his posthumous existence that his prognostications had violated the Company's monopoly of almanacs. Secondly, Partridge fought back harder than many previous defendants had done, for, in spite of earlier decisions, he challenged the legality of the Company's rights. He must have had a good lawyer, since the court was persuaded to say some hard things about monopolies which restricted the liberty of the subject. But no final decision was handed down, and the Stationers, finding that their lucrative privileges were in danger, apparently decided to withdraw their action. The pendulum was swinging so far against them that they could not be sure that the courts would uphold their ancient rights, though, it must be added, it was not till 1775 that a definite decision was given against them on this point.[14]

[13] 10 Mod., p. 105.

[14] *Stationers' Company* v. *Carnan*, 2 Black. Rep., p. 1004.

The earlier case of *Ponder* v. *Braddill*, 1678,[15] is quite exceptional for its time since it is, as far as I know, the only one of its period in which an individual stationer went to law to assert his rights in a book he had published in the normal manner. The book at issue was *The Pilgrim's Progress*. It had been duly licensed and entered in the Stationers' Register, but Braddill had pirated it within three months of its publication. Owing to Parliament's temporary failure to renew the Licensing Act Ponder found that he could get no redress and was forced to abandon his action. The Stationers' Company either could not, or would not, help him, otherwise the action would not have been brought; but, in spite of the obvious justice of his case, his appeal to the law only seemed to show that pirates could operate with impunity. The situation was one that urgently needed a remedy, yet thirty years later (and fifteen after the Licensing Act had finally lapsed) it was still so bad that stolen versions of *The Predictions of Isaac Bickerstaff* appeared on the streets a few days after their publication,[16] and Gay's *Wine* was twice pirated within a year of its appearance.[17] It is easy to see why the stationers petitioned Parliament to intervene.

The preamble of the Act of 1709 states that "Printers, Booksellers and other Persons have of late frequently taken the Liberty of printing, reprinting and publishing . . . Books and other Writings, without the Consent of the Authors and Proprietors . . . to their very great Detriment," and therefore that it is necessary to prevent "such Practices for the future." Accordingly, the Act granted twenty-one years' copyright to the owners of works already in print, but only fourteen years to books published after it came into force, though if the author were still alive at the expiration of the term his right reverted to him and he could dis-

[15] Lilly's *Modern Entries*, I, p. 67, and F. M. Harrison. *Nathaniel Ponder: the Publisher of The Pilgrim's Progress*. In: *The Library*, XV, 1934-35, pp. 257-94, at p. 270.

[16] *The Prose Works of Jonathan Swift*, ed. H. Davis, II, pp. xii-xiii.

[17] W. H. Irving. *John Gay, Favorite of the Wits*, pp. 32-33.

pose of it for another fourteen years. Piracy was to be punished by the confiscation of all the unauthorized copies and by a penalty at the rate of a penny for each sheet seized. The copyright was granted, of course, to the author or his assigns, but a book was almost invariably assigned before publication. Thus the main effect of the Act, in spite of its being called an Act for the Encouragement of Learning, was to establish the rights of the booksellers.[18]

Not unnaturally, the number of lawsuits died down for some years after 1709, but when the copyright periods had expired they began to multiply again. The second of the two periods of litigation with which this paper deals extended to 1774, when the famous case of *Donaldson* v. *Becket* decided that the common-law right of perpetual copyright which the booksellers still claimed had, if it ever existed, been abolished by the specific provisions of the Act. There were, of course, numerous books in which rights had passed by assignment from one stationer to another for the better part of a century before 1709,[19] and the trade seems to have

[18] According to tradition Swift was mainly responsible for the drafting of this Act (though it was amended in committee), and Addison is also said to have had a hand in it. See A. Birrell. *Seven Lectures on Copyright*, pp. 20, 93, 128.

If Swift were in any way responsible for the Act he was soon to find that he was far from having provided adequate protection for all an author's rights. In 1710 Edmund Curll published *The Complete Key to the Tale of a Tub*, attributing it to Swift and his cousin Thomas; Swift wrote bitterly, "It is strange that there can be no satisfaction against a bookseller for publishing names in so bold a manner. I wish some lawyer could advise you how I might have satisfaction; for at this rate there is no book, however vile, which may not be fastened on me." In the following year, when Curll published his unauthorized edition of Swift's *Miscellanies*, Swift again wrote, this time to Stella, "That villain Curll has scraped up some trash, and calls it Dr. Swift's Miscellanies, with the name at large, and I can get no satisfaction of him. Nay, Mr. Harley told me he had read it, and only laughed at me before Lord-Keeper and the rest." (Quoted by R. Straus. *The Unspeakable Curll*, p. 35.)

[19] The extent of these claims is well illustrated by an incident which occurred late in the seventeenth century. In 1693 Sir Roger L'Estrange proposed to bring out a new translation of Josephus, but a group of booksellers who owned the rights in an earlier translation advertised as follows: "This is to caution all *Booksellers* and *Printers* from being concern'd therein; it being the Resolution of the Proprietors of the present *English Copy*, to use all lawful Means to vindicate their Right, and recover Satisfaction for the Damages they shall sustain by this New Undertaking; they and their Predecessors having been in just and quiet Possession of the same for near One Hundred Years." See A. W. Pollard. *Copyright in Josephus*. In: *The Library*, 3rd series, VII, 1917, pp. 134-35.

assumed in all good faith that it could continue this practice. For a time, too, the courts accepted this assumption, though without actually giving a definite ruling, until the protests of the "have-nots" eventually forced a decision. Meanwhile, it is important to note that the litigants of the second period were individuals—authors as well as publishers—with definite statutory rights. They did not go any longer for protection to the Company, but to the courts, and the Company was not concerned with such disputes except in so far as entry in its Register constituted formal notification of copyright under the Act.

Lawsuits became frequent again in the 20's and 30's of the century. Piracy was still common, and the success of the Dublin booksellers, who were beyond the reach of English law and could pilfer at will,[20] acted as an incentive to the less scrupulous of their English rivals. The machinery provided by the Copyright Act for dealing with piracy proved cumbrous and inefficient. As a result, remedies were sought not in the courts of law, which could only administer the provisions of the Act, but in Chancery. The Court of Chancery had much wider discretionary powers. If the plaintiff could show that a presumptive right existed and that it was being injured, or was likely to be injured, the Court would immediately issue an interim injunction against the defendant. This injunction remained in force until the case came on for hearing, and only then could the plaintiff's right be challenged. However, the hearing might not occur till several years later, and there was the further possibility that points of law would be sent to one of the common-law courts for argument and decision before the Chancellor would give judgment. Usually an interim injunction was enough to quell a pirate. Quite apart from the legal costs involved, the case was not worth fighting out; to-day's best

[20] It should be added that the English booksellers retaliated by appropriating books published in Dublin. In his preface to his reprint of the Dublin edition of Swift's *Literary Correspondence*, 1741, Curll wrote: "As to the present Case, it is well known, that the Dublin Edition of these Letters is Lawful-Prize here, and whatever we print is the same there." (Quoted by Straus, *op. cit.*, p. 193.)

seller is likely to be a drug on the market in five years' time.

Many of the cases of this second period have no interest whatever for the lawyer; they added nothing to the interpretation of the law, because they never got further than the preliminary injunction. Where the piracy was a blatant infringement of the copyright term, there was usually no reason why the case should go any further. But when the period granted by the Act had expired the situation was different. At first defendants submitted to the interim injunctions, but eventually the subject of perpetual copyright became a topic of widespread public debate, and it was really a series of mishaps that prevented it from being settled by the courts until 1774. However, many of the cases have an interest quite apart from their legal significance, since the proportion of important literary works that were the subject of litigation is surprisingly large. Proceedings against unauthorized printing soon after the original publication were taken on behalf of Steele's *Conscious Lovers*,[21] Pope and Swift's *Miscellanies*,[22] Pope's *Dunciad*,[23] Johnson's *Rasselas*,[24] Richardson's *Pamela*,[25] and Fielding's *Joseph Andrews*,[26] while among the books fought over after the copyright period had expired were *Paradise Lost* (twice),[27] *The Spectator*,[28] and Thomson's *Seasons*.[29]

In another group of cases the author or his heirs appeared as plaintiffs, usually seeking to restrain a publisher from printing manuscripts without their consent. In the earliest of these cases[30]

[21] *Tonson* v. *Clifton*, 1722, *cit.* 2 Brown, p. 138.

[22] *Motte* v. *Faulkner*, 1735, *cit.* 4 Burr., p. 2325.

[23] *Gilliver* v. *Snaggs*, 1729, Viner's Abridgement, p. 278.

[24] *Dodsley* v. *Kinnersley*, 1761, Amb., p. 403.

[25] *Richardson's case*, 1740, *cit.* 2 Eq. Cas. Abr., p. 523.

[26] *Millar* v. *Lynch*, 1742, *cit.* 2 Eq. Cas. Abr., p. 523.

[27] *Tonson* v. *Walker*, 1739, *cit.* 4 Burr., p. 2325; *Tonson* v. *Walker*, 1752, 3 Swans., p. 762.

[28] *Tonson* v. *Collins*, 1760, 1 Black., pp. 301, 321.

[29] *Millar* v. *Taylor*, 1769, 4 Burr., p. 2303; *Donaldson* v. *Becket*, 1774, 2 Brown, p. 129.

[30] *Burnet* v. *Chetwood*, 1720, 2 Mer., p. 441.

the book concerned was Thomas Burnet's *Archaeologia Philosophica*, a book still remembered because it supplied Coleridge with the motto for *The Ancient Mariner*. George Burnet, executor of the author, obtained an injunction against an English translation that had been announced. Pope, as is well known, sued Curll over the publication of his letters, and secured an injunction against the parts of the volume he had written, but not against those written to him by others.[31] Gay's nephew and executor, Joseph Baller, inherited a whole batch of suits arising out of the piracy of *Polly*.[32] The trouble here arose partly out of the fact that Gay's original subscription edition, "printed for the author," had never been entered in the Stationers' Register as provided for by the Act, but the courts had the liberality to decide that failure to enter did not destroy the author's copyright. The Duke of Queensberry went to law over the unauthorized publication of Clarendon's *Life*,[33] and in 1770 the actor-dramatist Charles Macklin tried to stop the publication of his successful farce *Love a-la-Mode*.[34]

Three cases have been selected for fuller description in order to illustrate as many as possible of the characteristics already mentioned. Each of them also contributes a certain amount of information which students of eighteenth-century literature seem not to have been aware of, and each of them puts the bibliographer on his mettle to identify the editions to which they refer.

In *Tonson* v. *Tooke* (sometimes called *Tonson* v. *Clifton*) Jacob Tonson the younger, in a bill filed on December 7, 1722,[35] stated that by deed poll dated October 20 last Sir Richard Steele had agreed, in consideration of the sum of £40, to assign him all the rights to *The Conscious Lovers*. This is interesting, for we know that as early as March 1 Lintot had advanced Tonson £25 for

[31] *Pope* v. *Curll*, 1741, 2 Atk., p. 342.

[32] *Baller* v. *Walker*, 1737, *cit.* 2 Atk., p. 93.

[33] *Duke of Queensberry* v. *Shebbeare*, 1758, 2 Eden, p. 329.

[34] *Macklin* v. *Richardson*, 1770, Ambl., p. 694.

[35] P. R. O., Chancery Bills, C. 11, 690/21.

"half of Sir Richard Steele's play that was to be published," and on October 26, six days after Tonson actually acquired the play, agreed to pay him £70 for "the half of the Conscious Lovers." [36] Tonson had thus made a handsome profit even before the presses started to work. The bill goes on to recite that Tonson duly entered the play in the Stationers' Register, proceeded to print "many Thousand Copys" of it, and had since sold a good part of them. However, Francis Clifton, Robert Tooke, John Lightbody, and Susanna Collins (the second and third names are later insertions wherever they occur) had bought a copy of Tonson's printed edition, had printed several hundred copies of it, and had given notice of publication on Monday next. If, as is asserted,[37] the original publication took place on December 1, six days before Tonson's bill was filed, this was quick work. The only answer was from Tooke, who made a complete denial of everything alleged against him, and was perhaps wrongly brought into the case. Tonson secured his injunction on December 11,[38] and thus the matter ended.

The bill in the first case of *Tonson* v. *Walker*[39] alleges that in March, 1739, various advertisements appeared announcing the publication in twelve weekly parts, at 2d. a part, of a new edition of *Paradise Lost*, with a Life of Milton and a set of plates. In most of the advertisements interested persons were invited to apply to "J. Stanton Distiller and Printer in Fleet Lane London," but an advertisement in *The Kentish Post* for April 4 revealed to the anxious Tonsons the true identity of the pirate: "The printer of the above work," it stated, "is R. Walker in Fleet Lane London, and such persons as are inclinable to take this in are desired to speak to J. Abree in Canterbury or his Newsmen who serve the History of the Bible and other Books published Weekly in Numbers." By

[36] J. Nichols. *Literary Anecdotes*, VIII, p. 303.

[37] G. A. Aitken. *The Life of Richard Steele*, II, p. 276.

[38] 2 Brown, p. 138.

[39] C. 12, 1214/66.

April 12 the Tonsons and their partners had launched their action;[40] their long and elaborate bill was filed on the 17th; and on May 5, after four numbers of Walker's publication had appeared, the Lord Chancellor ordered that

> an Injunction be awarded against the said Defendant Robert Walker otherwise James Stanton his Servants Agents or Workmen from printing publishing selling or disposing of the said book or poem intitled paradise Lost or the life of the said John Milton composed by the said Elijah Fenton untill the said Defendant shall fully answer the plaintiff's bill and this Court take order to the Contrary.[41]

Tonson's rights to *The Conscious Lovers* were clearly unchallengeable, and Walker made no attempt in 1739 to test further the legality of the firm's claim to *Paradise Lost*. In 1751, however, he printed *Paradise Lost* once more; another action was brought, and this time the case came up for hearing. But Walker had been ill-advised enough to print, besides the text of the poem, the introduction and notes from the latest Tonson edition; since these last were unquestionably within the statute, Walker quite properly lost the case, and the Court was relieved of the responsibility of deciding the major issue.[42]

I have not been able to make certain whether any copies of the edition of *The Conscious Lovers* that was complained of escaped the net cast about it by the injunction, but the British Museum certainly possesses Walker's 1739 edition of *Paradise Lost*; what is more, instead of containing a mere four parts, it is complete. Walker may have come to terms with the Tonsons by agreeing to pay them a share of his profits, but he is just as likely to have gone ahead surreptitiously in defiance of the injunction. A number of ornaments which frequently occur in Walker's other publications are to be found in this edition,[43] which can easily be recognized by

[40] *Chancery Register of Affadavits*, C. 41/50, no. 1094.

[41] *Register of Chancery Decrees and Orders*, C. 33/372, fo. 208 *b*.

[42] *Tonson* v. *Walker*, 1752, 3 Swans., p. 672.

[43] This statement is made on the authority of Mr. G. E. Dawson, of the Folger Shakespeare Library, who has made a special study of Walker and his Shakespearian piracies.

its evasive imprint: "London: Printed for a Company of Stationers. MDCCXXXIX."

Walker's imprint seems to have been imitated from an earlier one used on the same work, for there is an edition of *Paradise Lost* with the imprint "London, Printed for the Company, MDCCXXX." Its title-page also bears a scroll-work device in which the design is based on the intertwined letters T and J, and in the British Museum there is an edition of Steele's *Conscious Lovers*, dated 1723, on which the same monogram appears, though here the imprint is "London, Printed for T. Johnson." This cannot be the edition complained of in *Tonson* v. *Tooke*, since Thomas Johnson was an English bookseller at The Hague (not Amsterdam, as Plomer's *Dictionary* asserts), where he had been active since 1710. Johnson's London imprints suggest a specific intent to deceive; in Holland he was beyond the reach of English legal processes, and his editions were doubtless designed for smuggling into England as well as for lawful sale on the Continent.

It is impossible to leave consideration of *Paradise Lost* without mentioning that the bill in the first case of *Tonson* v. *Walker* contains a complete history of the rights in the poem from the original assignment on April 27, 1667, down to the time when the action was begun. From Symonds, the original assignee, they passed in 1680 to Brabazon Aylmer; from him Jacob Tonson the elder secured first one half, and then the other; but in 1704 he parted with a quarter to Richard Wellington. By 1739 this quarter-share had been divided up amongst no less than ten booksellers, who were all joined to the action as plaintiffs. John New and James Hutton each had an interest of one 36th; Samuel Birt, Edward Wickstead, and Richard Chandler one 72nd each; Richard Wellington Jr. and Bethell Wellington five 108ths each; Aaron Ward eleven 432nds; John Brindley five 216ths; and John Oswald five 432nds! The copyright of *Paradise Lost* was evidently of considerable value if such small shares of it were held, and one recalls

that old Jacob Tonson, on being asked what poem he ever got the most by, immediately replied, "*Paradise Lost.*" [44]

The third case is *Macklin* v. *Richardson.*[45] Macklin wrote his successful farce *Love a-la-Mode* in 1759, but he refused to authorize its publication until 1793, in his extreme old age, when he could no longer act in it. Nevertheless, the first act was printed in *The Court Miscellany or Gentlemen and Lady's New Magazine* for April, 1766, with a statement that the second act would appear next month. Macklin promptly obtained an injunction, with the result that some copies of the magazine contain a cancel where the play should be, and when the case came on for hearing four years later the injunction was made perpetual. The bill tells how the text of the play was secured. The defendants, Richardson and Urquhart, had "employed one Gurney to go to the playhouse and take down the words of the farce from the mouths of the actors, for which they paid him a guinea. Having so done, and corrected his notes from the memory of the defendant Urquhart, they published the first Act." The shorthand writer was either Thomas Gurney (1705-70), the first official shorthand writer in England to be appointed to Parliament and the law courts, or Joseph Gurney (1744-1815), who was first assistant and then successor to his father. Nevertheless, the text produced by Gurney with Urquhart's assistance is markedly inferior to that put out by the author in 1793.

*Love a-la-Mode* was published on various occasions before 1793 both in London and Dublin, the earliest edition apparently being that of 1779. Such editions as I have seen give substantially the same text of the first act as *The Court Miscellany* had done, and their second act is by no means identical with that afterwards published by Macklin. In spite of the Court of Chancery and its injunctions, Richardson and Urquhart evidently waited quietly for a while before disposing of their text, and it was in print for at

[44] *Spence's Anecdotes*, ed. S. W. Singer, p. 344.

[45] Ambl., p. 694.

least fourteen years before the author consented to the publication of the play.[46]

It seems certain that Chancery proceedings such as have been described were only partially successful in stopping piracy. Copies of pirated editions will never, of course, be as numerous as those of authorized ones, but it is usually possible to find and identify them. I admit that I do not know of a copy of the pirated *Joseph Andrews* of 1742, and only one copy of the pirated *Pamela* of 1740 has been recorded.[47] Nor have bibliographers yet been able to identify Braddill's editions of *Pilgrim's Progress*, in spite of Ponder's very precise description of the differences between the true and the false ones. Yet a glance through the list of translations of Burnet's works shows that the injunction in *Burnet* v. *Chetwood* had very little effect, and every eighteenth-century bibliographer knows of the existence of the pirated editions of *The Dunciad* and *Polly*. It is true that a piracy of *Paradise Lost* in 1739 or 1751 is utterly irrelevant to an editor of Milton, and it may seem to have nothing even for the bibliographer except the fun of identifying it. Yet every imprint, every ornament, or every type face may reveal something of a pirate's methods and activities, and it is essential to the preparation of accurate texts of a number of important eighteenth-century works that piracies should be identified and eliminated. No other source of information helps to do this so much as the lawsuits to which some of them gave rise.

[46] The view expressed here as to the relations of the texts of *Love a-la-Mode* differs somewhat from that held by W. Matthews in *The Piracies of Macklin's Love a-la-Mode*, in *R. E. S.*, X, 1934, pp. 311-18. Since the earliest authorized version of the play has disappeared (for it is not to be found in the Larpent Collection), it is probable that the question will always remain an open one.

[47] W. M. Sale, Jr. *Samuel Richardson*, p. 16. It is worth recording that another famous novel of the period was also pirated. A recent English bookseller's catalogue contained the following item: "Goldsmith, O. *The Vicar of Wakefield*, possibly a pirated edition . . . 2 vols. in 1, 12mo., old calf. 'London' (no printer's name), 'Printed in the Year 1766.'" I was unable to secure the book, and do not know whether it was the cause of legal proceedings.

# THE RECONSTRUCTION OF THE LIBRARY OF NORBORNE BERKELEY, BARON DE BOTETOURT, GOVERNOR OF VIRGINIA, 1768-1770

*By* GENEVIEVE YOST

THE library of an individual is an ephemeral thing, collected for his own use, to serve his characteristic tastes and needs, and usually dispersed after him. And so it is likely unique when a man's library, having been lost, is rebuilt title for title, to reflect for a later generation that one man's culture and reading interests, as a small colored bit in the mosaic of his era.

It is partly by accident, perhaps, that such an honor comes today to one man of the eighteenth century rather than to another, for the years have a way with records and are kinder to some than to others. It is pleasing, therefore, that it should be one of Virginia's well-beloved governors whose library inventory has survived and is now available to Colonial Williamsburg, one of the agencies created by Mr. John D. Rockefeller, Jr., for the restoration and reconstruction of eighteenth-century Williamsburg. This inventory, one hundred and seventy-two years after its making, is serving as a guide in the placing of a collection of eighteenth-century books in the reconstructed Governor's Palace in Williamsburg in Virginia.

When Norborne Berkeley, Baron de Botetourt, colonial governor of Virginia, died intestate in the Governor's Palace in Williamsburg, on October 15, 1770, his possessions, including his li-

brary, passed to his nearest heir, his nephew in England, Henry, the fifth Duke of Beaufort, son of his sister Elizabeth Berkeley.

Five administrators were appointed for his estate, and between them and the Duke of Beaufort there passed much correspondence. They informed him they had "made an exact and perfect Inventory of his Lordsp's effects" and he replied by sending them "a List of those things that I would have sent to England." In September, 1771, articles, which for insurance were estimated worth about £9,000 sterling, were shipped for Bristol on the *Planter*, Captain Cawsey. The ship was never again heard of after it passed the Capes of Virginia and on February 20, 1772, the *Virginia Gazette* acknowledged melancholy fears that it was lost.

The administrators had, as they wrote, carried out their duties assiduously and had completely itemized both Lord Botetourt's personal possessions and the "standing" or colony-owned furniture at the Palace, in a report which they impressively titled "An Inventory of the Personal Estate of his Excellency Lord Botetourt began to be taken the 24th of Octor 1770." [1]

They enumerated and located objects in each room, using such descriptive names as "Powder Room" and "Little Middle Room." In the Library they found the following furnishings:

1 Shovel, tongs, poker fender, hearth broom
Map of N. & S. America
20 prints
1 blue venetian blind
1 Wilton carpet
Books as per Catalogue with the 2
Curtains which cover them
1 Japann'd ink stand. 1 green wax taper
with japann'd stand

[1] The inventory and the correspondence between the executors and the Duke of Beaufort are preserved in the Archives Department of the Virginia State Library. Originally they were part of the papers of Robert Carter Nicholas. The letters from the Duke of Beaufort are the originals. Most of the other papers are copies or, more likely, the first rough drafts in the handwriting of Nicholas, who presumably wrote most of the originals.

The "Catalogue" here referred to is a sheet of paper folded to form four pages, 12⅞ x 7⅛ inches, and headed "A Catalogue of ye Books in the Library." The main entries are in an even and flowing handwriting but there are corrections and additions in a smaller cramped hand, some in pencil, mute evidence that the administrators did their task thoroughly and carefully.

By several titles are notations showing temporary location or disposition. Botetourt must have been on neighbourly terms with his fellow townsmen for he both lent and borrowed books. Such notes as "16th at Mr. Carter's," "all missing," and "2nd vol lent out and not returned," indicate both generosity in sharing his possessions and careful work on the part of the administrators.

Those books that he borrowed seemingly found their way to his library shelves. The puzzled writers marked a group of five, "Books doubtful to whom they belong." Two faint pencil lines criss-cross these titles, perhaps cancelling them when the problem was solved, for beside each is some clue to provenance or disposal. According to these notes, the administrators decided that three *Journals* should be sent "to Mr. Attorney Wythe," and a book of engrossed letters "retd to the office." One item, they concluded, had been inherited with the Standing Furniture at the Palace, "3 Vol's Sherlock's Sermons said to be in the House when my Lord came."

However assiduous the administrators were in tracing ownership and returning books, they followed the vexatious custom found in many old inventories of listing only a short title and very frequently omitting the author entirely. Consequently, in now duplicating the titles, the first problem has often been that of identification. Of the one hundred and nine entries in the "Catalogue," five are books in the group of doubtful ownership and ninety-eight represent titles of books which have been identified and roughly classified. The remainder are two unidentified titles and such articles as "1 red letter case," "a parcel of pamphlets and old magazines" and maps.

In some instances the decision has been arbitrary, based upon conjecture or surmise as to the relative appropriateness and fitness of each title. By 1770 many of the titles had appeared in several editions and frequently the number of volumes or the name of the editor or translator has been the deciding factor in choosing a title or an edition.

There appears to have been little, if any, classification of the books although they are listed in the inventory in six numbered groups. These groups indicate, perhaps, nothing more than the order in which the books were found standing on the shelves. Certainly there was no arrangement by subject. The classification used in this study for convenience of discussion is quite arbitrary and differs slightly from schemes used in other published studies.[2]

It is this unpretentious-looking list which is furnishing for the present Palace the names of the books that stood in the original building. Of the colonial governors who lived in the Palace, there remain extant the inventories of only two, and of these two, this record, made by the administrators of Botetourt's estate, is the only one which lists by title the books a governor owned and used there.

We would expect the noble Lord, with his "very independent

[2] George K. Smart, in his study of approximately one hundred libraries, titled *Private Libraries in Colonial Virginia*, published in *American Literature*, March, 1938, and Joseph T. Wheeler, in his series of articles on libraries of individuals in colonial Maryland, published in the *Maryland Historical Magazine*, have used somewhat similar classification schemes. In two articles on libraries of early Virginians, published in the *Huntington Library Quarterly*, Louis B. Wright has used two different classifications. His recent book, *The First Gentlemen of Virginia*, considers libraries as a clue to culture but does not classify titles. The classification used in this article would not be suitable, because of the preponderance of several unusual classes, for all other studies. The inclination, of course, is always to choose for each collection a classification into which the titles of that particlar collection can best be grouped. Thus with classification based subjectively on one collection rather than objectively on the entire field of subject matter in books, we find such dissimilar and overlapping arrangements as "Classics and languages," "English literature," "Ethics and law," in one study, and "Classics," "Belles lettres," "Ethics and philosophy," "Politics and government," and "Law books" in another. Because of such variations in classification schemes used here and in other analyses, the comparison of Botetourt's library and reading interests with others of his time, although interesting and informative, is difficult and not entirely satisfactory or reliable.

fortune and . . . one of the prettiest seats in England," [3] to have had a large library there, and we can only speculate whether he brought any volumes from England or purchased all of them here. While the majority of titles were published in England or Europe, nearly all were for sale here, as is revealed by advertisements in the *Virginia Gazette*. Botetourt, as newly appointed governor, may even have brought some for study or for pleasure reading during the long voyage to his new home and new duties. The subjects of a few titles, at least, would seem to belong to his previous offices and activities in England. Quite likely the local imprints were added after his arrival in Williamsburg.

We would also expect the noble Lord to have distinguished his books with a bookplate. Since a coat of arms was the customary decoration of the times and since, friendly though he was, he was considered a "man of parade," [4] it is logical to imagine that bookplate to have borne his coat of arms. But no contemporary description or reference has been found and, because the administrators did their task thoroughly, gathered in all the books and shipped them on the *Planter*, there is little hope that a single book or bookplate of his Virginia library will ever be found.

In general, his library did contain most of the things one might look for and is up to expectations, both in quantity and in quality. The one hundred titles represent three hundred and fourteen volumes and, although a few wealthy planters had much larger libraries, this is far above the number of books in the majority of home libraries.

In colonial libraries, according to Smart's analysis, English literature averaged about thirteen per cent of the total. In Botetourt's library it constituted eleven per cent and the titles represent popular selections of the period. This was an age when literary men were often deeply involved in politics and their political

[3] Letter. George Mercer to James Mercer. August 15, 1768. P.R.O. London. Transcript in Department of Research and Record, Colonial Williamsburg.

[4] *Notes of Judge St. George Tucker.* In: *William and Mary Quarterly*, 1st series, XXII, 1914, p. 252.

and literary writings were closely interwoven and read for both qualities.

Such a mixture of political literature were the *Works* of Swift which, read to-day as novels and essays, successfully cloaked political Tory propaganda in wit, satire and excellent prose. Of popular novels the governor had *Fool of Quality*, *Tom Jones*, and *Joseph Andrews*, those best sellers of the eighteenth century. Their pictures of the English social life, depicting its follies in satire and humor, surely appealed to the sociable and friendly Norborne Berkeley, Baron de Botetourt.

This was preeminently an age of prose and, accordingly, we find poetry represented here by only two titles, Milton's *Paradise Lost* and the *Works* of Pope. Presumably the intrinsic worth of Milton's poem and the lapse of a century could mitigate the antipathy the royal governor must have felt for the Cromwellian activities of the author.

A set of Shakespeare was not then as it is to-day the cornerstone of any well-rounded library, so it is to Botetourt's credit that he owned the edition by Hanmer and the tribute by Garrick. However, Shakespeare's works were found in many large colonial libraries and his plays were favorites at the Williamsburg theatre. Botetourt's love of drama and the theatre may be inferred from his library which contained ten volumes of unidentified plays in addition to the identified collection of Robert Dodsley.

French literature furnishes nearly as many titles as English literature and here one notices the spirit of tolerance, liberality and idealism which characterizes the writings. Though these were pronounced trends in French thought at the time, it is remarkable to find so many Utopian and revolutionary theses countenanced by a royal governor. There are the *Oeuvres* of Voltaire, the *Letters* and the *Memoirs* of Mme. Maintenon and other works of political theory and philosophy, which in this article are classified elsewhere according to their subject.

For the lighter side of French literature there are Marmontel's

pleasant historical romance *Belisaire*, Fénelon's *Télémaque* and the comedies of Molière. Entries indicate that Botetourt read all the French works in the original language.

The classical writers are represented in the library by only three Latin and three Greek titles, whose editions indicate that two of the Latin and none of the Greek were in the original. The *Aeneid* of Virgil is the translation of Joseph Trapp and the *Iliad* and the *Odyssey* are the popular versions of Pope. This is certainly not the collection of a classical scholar, for even Ovid, the classic writer most popular in Virginia, and Seneca, the most popular in Maryland, were lacking. Pliny, whose work is here classified with science, raises the total of classic writers.

Dictionaries constitute a noticeably large group. Ten titles form ten per cent, an unusually large proportion for even the library of a scholar. So large it is, that one wonders if some of the older volumes were inherited as part of the Standing Furniture. If all did belong to Botetourt's personal library, the three English, four French and three Latin dictionaries present a very adequate and practical philological collection for a statesman and an educated nobleman, and surely contributed to the urbanity of address and the ease of manner for which he was noted.

Of the English lexicons he had the best. Bailey's *Dictionarium Britannicum*, bearing the date 1730 but thought to have been printed in 1721, was quite popular and was used for many years. It formed the basis of Dr. Johnson's great work, of which Botetourt had both the abridged and unabridged editions.

Botetourt's extensive knowledge of the French language, suggested by the large number of volumes in the original French, is corroborated by four French-English dictionaries, three by Boyer and a century-old imprint by Miège.

The history of Latin lexicons is well presented in the three dictionaries. Earliest is Cooper's *Thesaurus Linguae Romanae et Britannicae*, first published in 1565, followed in the next century by Littleton's *Linguae Latinae Liber Dictionarius Quadripartitus*,

and a century later, by Ainsworth's *Thesaurus Linguae Latinae Compendiarius*, which long remained the best of the Latin-English dictionaries.

Lacking entirely are Greek and Hebrew dictionaries which frequently were found in large scholarly libraries of the time. The absence of Greek dictionaries and classics in the original Greek seems to indicate a lack of knowledge of that language, a language which the educated Virginia gentleman, particularly of the seventeenth and early eighteenth centuries, considered essential for preserving and manifesting the amenities of a cultivated life.

Philosophy is represented by the materialism of Locke, the experimentalism of Bacon, the stoicism of the ancient Greek Epictetus and the Roman Emperor Marcus Aurelius Antoninus, and the honest questioning of Voltaire's *Ignorant Philosopher*. The *Works* of Locke were very popular in the colony and he has even been called "the most important single philosopher in Virginia." The presence of these diverse theories complicates any conclusion about Botetourt's beliefs. To whichever theory he inclined, however, these books, augmented with those by the philosophical historians and statesmen, of which he had a great number, make it evident that he was interested in the philosophical theories and problems with which the intellectuals and thinkers of his day were concerned.

The number of history books in eighteenth-century libraries was usually not large. In the study by Smart, the group classified as "History, biography and travel" averaged fifteen per cent, from which proportion the author concluded that books of these subjects "are not particularly important numerically or otherwise." With this percentage Botetourt's twenty titles, twenty per cent, compare very favorably and indicate a true interest in other nations, their chronicles and peoples. The scope of the titles reveals a well-rounded historical collection, embracing Europe and America. In addition to histories of England and Virginia, cer-

tainly to be expected, are accounts of foreign countries and ambitious histories of the world.

For the broad fields of history there were Raleigh's *History of the World* and the *Universal History*, both very popular in the colony. For England, there were Hume's *History of England* and Smollett's *History* and *Continuation*, a trilogy frequently found in the colony and perhaps the best books on English history at that time. The forerunner of these was Rapin-Thoyras's *History of England*, also popular in the colony, and of this work Botetourt seems to have owned or borrowed only the third volume. Clarendon's *History of the Rebellion*, "first begun by the express command of King Charles the First," was a gratifying Tory account for an aristocratic governor.

For Europe, Robertson's English classic, *The History of the Reign of the Emperor Charles V*, chronicled the events of the sixteenth century. The political troubles of France in the sixteenth and seventeenth centuries were related in Anquetil's *L'Esprit de la Ligue*. Goldsmith's *Roman History* was a title not often found in the colony.

Volumes concerning the new continent from Mexico to Canada suggest an interest in the country extending beyond the limits of his colony. *The Conquest of Mexico* was probably the one-volume 1724 edition of Antonio de Solis, as the better-known book by Captain Bernal Diaz had not yet been translated into English. Canada, the country made important to England by fur trade, relations with the Indians, and colonial expansion, was represented by Colden's *The History of the Five Indian Nations of Canada* and Knox's *Historical Journal of the Campaigns in North America*. The *Summary, Historical and Political, of the British Settlements in North America*, by William Douglass, contains a chapter "concerning the colony and dominions of Virginia," of which a large part is a "Digression on the small-pox."

Of actual histories of Virginia, the colony of his immediate interest, there is only Stith's *History of the First Discovery and Settle-*

*ment of Virginia*. This entry in the Catalogue was first written in ink as "Smith" but later corrected by a pencilled change of one letter. It seems much more likely and logical for the governor's library to have contained Stith's *History*, first published by William Parks in Williamsburg in 1747, than the earlier history by Smith which at that time had not been printed since 1632. In any case, Smith or Stith, it was a history of Virginia and Botetourt had none too many of these.

Strangely lacking are other eighteenth-century accounts of Virginia, for by 1770 several had been published. Beverley's *History of Virginia* and Hugh Jones's *The Present State of Virginia*, both published early in the eighteenth century, gave valuable and entertaining descriptions of the colony and its inhabitants, and reasonably would be expected in the governor's library.

Closely allied to history are two titles of travel and biography. The eighteenth century was noted for its number of voyagers and explorers who returned to chronicle their adventures. The popular story of Anson's voyage around the world in the *Centurion* in 1740-1744 must have fascinated Botetourt who owned two accounts, the standard compilation, *A Voyage Round the World*, by the chaplain, Richard Walter, and the *Narrative*, in which Admiral John Byron tells of the shipwreck of the *Wager* off the coast of Patagonia. For the study of history and travel there was an atlas, author and title unknown.

That Botetourt realized that the trade and commerce between Great Britain and the colony of Virginia were important factors in their political and economic relationship is indicated by several titles dealing with the theory and history of commerce. Anderson's *Origin of Commerce* is an historical and chronological account. Postlethwayt's *Universal Dictionary of Trade and Commerce* presents in alphabetical form "all the material laws of trade and navigation relative to these kingdoms, and the customs and usages to which all traders are subject." No clue identifies the author of the *Discourse of Trade* but it probably was the book of that title by

Sir Henry Pollexfen, published in London in 1697, which concerned the conflict between the East India company and private traders.

It is in law and political science that Botetourt's library comes into its own and shows its distinguishing and outstanding characteristics. Smart finds "Philosophy and law" averaging twenty-three per cent of the titles in colonial libraries. In Botetourt's library the group strictly limited to statutes and political science constitutes eighteen per cent of the total. Wright speaks of the "preponderance of lawbooks" and says, "Books on politics and statecraft found a favored place in the libraries of Virginia planters." [5]

The titles on law, political science and history constitute the groups which could best be called a governor's professional library, and the large number here suggests a conscientious desire to administer the office as wisely and happily as possible. The governor, in addition to his executive duties, also presided over the Council when it sat as the General Court, the chief judicial body. For his various duties he had need of legal treatises and collections.

Instead of handbooks and guides for local officers frequently found in libraries of agrarian but politically-minded planters, Botetourt owned both the English and the Virginia statutes in collected form and the journals of the legislative bodies. Although *Statutes at Large* is a title mentioned in various Virginia inventories, no other record specifies "26 volumes," a number which calls for the Pickering edition of the British statutes published in London, 1762-1764. These volumes contain in chronological order all the laws extant covering the period of the volumes. The statutes are often given partly in summary instead of in complete quotations but the work was the standard authority on English law at the time. In addition to these, Botetourt had seven *Statutes at Large*, a

[5] Wright, L. B. *The First Gentlemen of Virginia.* San Marino, Huntington Library, 1940, p. 132.

collection published in London, 1763-1764, which contained the statutes from the twentieth to the thirtieth year of the reign of King George II. The *Acts of George II*, for which the executors did not indicate the number of volumes, probably represents a made-up volume or a group of miscellaneous pamphlets of acts. Beginning in the sixteenth century the acts of British sovereigns were more or less regularly printed in separates, each act with an elaborate title-page, and Botetourt may have had a collection of these. *The Minutes of the Lords from Jany 1765 to May 1768* in three volumes probably refers to the *Journals of the House of Lords* which provided daily records of the business of that House.

For the study and understanding of these statutes and the principles of law there were Kerkraad's *Dissertatio Juridica de Jure Patris*, Jacob's *Dictionary of Legal Terms*, Barrington's *Observations*, and Blackstone's *Commentaries*, that popular codification of English law on which the laws of the United States were later based.

Four volumes of Virginia *Laws* and two *Journals of the House of Burgesses*, presumably for the ỳears of his governorship, furnish the laws and proceedings of the colony. Three *Books of Journals*, noted by the executors as "sent to Mr. Wythe Attorney," were probably extra copies or different dates of this title. The three volumes designated only as "*Virginia laws*" and "*Laws of Virginia*" might have been the *Session Laws* for the term of his office, as surely these would have been added to his library upon publication. We have chosen, however, to supply for these titles three editions of the collected laws of Virginia published in Williamsburg. On February 22, 1727/8, William Parks, ingenious printer of Williamsburg, made a "petition and proposal" to the House, which resulted in *A Collection of all the Acts of Assembly* in 1733. The second revisal of laws was printed in 1752 by his successor, William Hunter. The third and last collection printed in the colony was made during Botetourt's residence and paid for when the House, on December 10, 1769, granted to four men one

hundred pounds each "for their Trouble in collating a Copy of the Laws for the Press." The fourth book of laws listed here was the abridgment by John Mercer.

The relationship between England and the colonies, already disturbed and strained, was, of course, vitally important to Botetourt, and his interest is reflected in several titles dealing directly with their governmental and political problems.

Burke's *Account of the European Settlements in America* deals with the practical relationship between the two countries. In this, the author turned from abstract principles to the economic and political realities of the subject. Burke, champion of a losing cause, might have been the guide and mentor of Botetourt in his efforts for conciliation and peace. Burke maintained the right of Parliament to legislate for the colonies but realized it was sometimes impracticable; and he understood that the use of military power to enforce the laws, even though it were practicable and expedient, would be more disastrous to Great Britain than to the colonies. His policy was concerned more with the advisability of making the people happy than with the right to make them miserable. Botetourt might have held similar opinions when he dissolved the Assembly on May 17, 1769, after it had passed resolutions denouncing the King's order to transport persons accused of treason in Virginia to Great Britain for trial. Although Botetourt, in his official position, could not countenance such expression, he sympathized with the colonists, and their respect and affection for him, even in this difficult situation, is shown in a letter of John Page, Jr., to John Norton:

> Ld. Botetourt required nothing of the Assembly, but they were so provoked at the resolves of the Lords & Commons that they enter'd the resolves for which his Lordship thought proper to dissolve them. This has not lessened him in their esteem, for they suppose he was obliged to do so; he is universally esteemed here for his great assiduity in his office, condescension, good nature & true Politeness.[6]

[6] Letter. May 27, 1769. *Tyler's Quarterly*, III, 1922, p. 291.

Also dealing with the question from a tolerant standpoint was Pownall's *Administration of the Colonies*. And for England's side of an earlier controversy there is Postlethwayt's *Great Britain's True System*, in which the author emphasized the necessity of raising supplies to carry on war within the year and proposed schemes for supporting the public credit.

In addition to books dealing with the political problems of Great Britain and her colony, Botetourt owned several titles on the theory and philosophy of political science. Chief among these was Montesquieu's *De l'Esprit des Loix* which ambitiously dealt with all phases of government, economics, religion, manners and customs. Another French treatise, *L'Ami des Hommes*, by Mirabeau, added to Botetourt's books on political economy.

Such volumes of French liberal revolutionary philosophies are conspicuous in Botetourt's library in contrast to their infrequence in colonial Virginia libraries as a whole. It might be questioned, however, if these views could have so influenced the royal governor that he could understand the pride and temperament of the colonists and sympathize with the distinctive rights and needs of a country so distant from England. It is not likely that at the beginning of his governorship Botetourt could foresee the American revolution—such would have grieved him sadly. Indeed, it was said that his death was hastened by sorrow and grief over the differences between his colony and his king. But it would seem that by the preceding titles he was cognizant of the problems of civilization, government and politics of the time, even beyond the colonies themselves, and that by a study of former struggles and current principles of political reform he hoped to govern wisely and happily and to maintain amicable relations between his country and her colony.

Four titles on military science emphasize the fact that, although Botetourt had been sent over for purposes of conciliating the people and increasing the popularity of the king, he was still

the Commander-in-Chief, the high military officer, of the colony. Actual conflict with the colonists did not break out until after his death, but there were recurring troubles with the Indians in the western country during his governorship.

The *Observations on the Diseases of the Army, in Camp and Garrison*, by Pringle, has been chosen rather than the similar title by Baron von Swieten, as it is identified with Virginia through inventories and newspaper advertisements. Concerned also with the general welfare of the army is Dalrymple's *Military Essay* with its descriptive subtitle: "reflections on the raising, arming, cloathing, and discipline of the British infantry and cavalry; with proposals for the improvement of the same."

Handbooks and volumes of technical regulations were supplied by *An Abridgment of the English and Prussian Military Exercises of the Foot* and the *System of Camp Discipline, Military Honours, Garrison-Duty.*

Botetourt evidently did not share the planter's fervent interest in religion, for his six titles contrast sadly with the average of twelve per cent for religious works in the libraries of his neighbors. The inevitable "1 Bible and 1 prayer book" were most certainly those of the Church of England, as was the manual for devotion titled, *The True Church of England Man's Companion in the Closet.* The "4 Sherlock's *Sermons*" were likely the work of Thomas Sherlock who supported the ministry of Walpole and the power of the crown. The second set of Sherlock's *Sermons* was no proof of excessive enthusiasm as it was in the group of doubtful ownership and marked: "said to be in the house when my lord came." Francis Atterbury, author of *Sermons and Discourses*, was a man of letters, a bishop, a politician, and a witty Tory, adviser of Queen Anne, leader of opposition to the House of Hanover and principal adviser to the Catholic James Stuart the Pretender. For participation in a plot to restore the Stuarts he lost his ecclesiastical dignities and was banished for life. It is but natural to wonder

whether the political activities or the religious zeal of these two divines whose sermons he possessed furnished the stronger interest for Lord Botetourt.

*The Charter, Transfer and Statutes, of the College of William and Mary* indicates one more of the governor's official duties, for participation in the affairs of the royal educational institution was an obligation of the royal governor. Botetourt served as a member of the Board of Visitors and as Rector, as did most governors, but his interest and pride in the College seem to have been genuine and above mere duty.

Before St. George Tucker was sent from Bermuda to attend the College his sister wrote to him: "Mr. Starke . . . represents it as the best Institution of the sort in America and under the particular Inspection of Lord Boudetourt (the Governor) who takes great Delight with it." [7]

In the field of practical arts Botetourt's library again falls below the average, for he has very few utilitarian titles, and utility has been called "the most noteworthy characteristic of the reading of Virginians, as revealed by the extant lists of their books." [8]

Although the Palace was situated at the edge of the city of Williamsburg and at this time had available for farming activities a large tract known as the Palace Lands extending into the country at the rear of the grounds, the establishment was comparable neither in size nor in isolation to the large self-sustaining plantation units. Its official position, however, necessitated some of the activities and much of the entertaining usually connected with those large estates. As the administrators wrote the Duke of Beaufort, "His Lordsp brought over with him a good many white Servants, and, after a short trial, found it convenient and necessary to purchase and hire Negroes to assist in the business of his family, and do the Drudgery without doors." On the sixty-three

[7] Letter. Elizabeth Tucker to St. George Tucker. August 19, 1770. Tucker-Coleman manuscript collection deposited in Department of Research and Record.

[8] Wright. *Op. cit.*, p. 126.

acres originally purchased for the governor's home were a fish pond or canal and several flower gardens. Kitchen gardens and orchards were maintained but it is not likely that they furnished sufficient supplies for the large establishment. How far Lord Botetourt's actual interest in and supervision of the agricultural work extended is unknown, but for his pleasure or for the gardener's labor, the library contained two titles, the *Gardener's Dictionary* by Philip Miller and *Essays on Husbandry* by Walter Harte. Of botanical and scientific rather than agricultural interest was Clayton's *Flora Virginica.* This book, according to the administrators, was "said to come of Mr. Clayton," and it would be pleasant to imagine that the author on a trip through the colony in his late years had presented the volume to the governor.

Also utilitarian was Falconer's *Universal Dictionary of the Marine*, a famous work on ship-building, whose subtitle claimed that it was "a copious explanation of the technical terms and phrases employed in the construction, equipment, furniture, machinery, movements, and military operations of a ship." This volume probably served the governor of the "Colony and Dominion of Virginia" in his additional capacity as "Vice-Admiral of the Same."

Very surprising is a work of practical science called *Treatise on Ventilators*, found infrequently in colonial libraries.[9] Among the inventions of Stephen Hales, English scientist, was a "ventilator," a modified organ-bellows, by which fresh air could be conveyed into gaols, hospitals, mines and holds of ships, and about which he lectured and wrote a *Description* and a *Treatise.* Only wildest speculation can account now for the sixteen copies listed in the governor's inventory. It is possible that Hales's several speeches before the Royal Society were printed in separate pamphlets. Perhaps Botetourt had some special interest in the invention; perhaps he wished to promote it in the colony; perhaps

[9] The only other copy noted by the writer was one owned by "Councillor" Robert Carter of Nomini Hall.

he had acquired the sixteen copies with intentions of giving them to his friends; perhaps the author had given them to him as an advertising scheme. Perhaps any reason, but there in the "Catalogue of ye books" is listed "16 *Treatise on Ventilators*."

Botetourt's slight interest in natural science was satisfied by Pliny's *Natural History* in a version edited by the celebrated Father Hardouin.

For current information and the latest statistics, Botetourt annually acquired two yearbooks. The *Virginia Almanack* published in Williamsburg supplied the calendar and local information, and the *Court and City Register* compiled by Rivington in London provided a directory of English offices and officials.

These, then, are the titles of the Governor's library as set down by the administrators in October, 1770.

There are several surprising deficiencies in the collection. Considering Botetourt's interest in history and travel, one would expect some type of book on geography, in addition to the one atlas mentioned. Perhaps the several maps listed in the library and in other rooms of the Palace supplied this need.

Medical books usually were found in colonial libraries of this size but the lack of them here, except for the military *Diseases of the Army*, may be explained easily by the social position of the owner. The isolated plantation dweller who diagnosed and prescribed for his family, tenants and neighbors needed practical handbooks of anatomy and directions on the treatment of diseases. The royal governor in the capital had immediately available all the resources and services of the best physicians in the city. No need had he for practical books of "physick" and "chirurgery."

Also beyond the interest of the governor were most of the sciences, such as physics, chemistry, astronomy and mathematics of all types. Nor did books of accountancy or bookkeeping, occasionally found in plantation libraries, have any place in the private library of a royal governor.

Books on manners, conduct and heraldry, "*Emily Posts*" of their century, were necessary to the planters who took seriously their pattern of life and their obligations to uphold a cultured society. Botetourt had none. A Virginia woman who had known him as a child, writing long afterwards to her sister, related a story "as a proof of the good old Governor's urbanity . . ."

> What I chiefly remember is that he conciliated the affections of our little town by attentions that then were considered vastly condescending; he frequently visited our uncle Nelson, who was President of the Council; and on his return from one of these visits sent down a leaden box containing a delicious Gloster Cheese to our good mother who had expressed a wish for Gloster cheese.[10]

Evidently Botetourt had no need of books on conduct and the art of charming his associates.

Such was the Palace library of Norborne Berkeley, Baron de Botetourt, colonial governor of Virginia in the uneasy years from 1768 to 1770. On the whole, the collection of titles suggests a well-informed, actively interested reader. The books are those of a man of affairs, discriminating, intelligent and, if not intellectual, at least of an inquiring mind. They are not the books of a learned scholar cherishing erudition for its own sake and absorbed in quiet and meditative essays and treatises. The titles of English literature represent popular books of the period; those of French literature are dramas, romances and comedies. The philosophical works are of the political and economic rather than of the metaphysical school. In the group as a whole, political unrest and social consciousness and questioning are noticeable. With his colonists thinking about colonial rights, passing resolves against exportation of prisoners to England for trial, joining in associations for non-importation of English manufactured goods and rebelliously holding meetings in the Raleigh Tavern, the governor had little time and probably less heart for solitary reflection on

[10] Letter. Mrs. Edward Carrington to Mrs. George Fisher, 1809. Transcript in Department of Research and Record, copied from original owned by Miss Fitzhugh of Fredericksburg.

abstract subjects. From his contemporaries, friends nearly all of them, we have accounts in letters and diaries of his popularity and sincerity. From the books in his library we can construct a picture of an active, educated, social person, who was interested in and concerned with the realities of government and statesmanship and who read widely for his own enjoyment and knowledge.

Unfortunate it was for his heir, the Duke of Beaufort, in 1771, and unfortunate it is for those interested in furnishing the Palace to-day, that the *Planter* did not reach Bristol. Botetourt chose to be buried in his beloved Virginia and here the Virginians keep alive his memory with a few remaining mementoes. With the loss of the *Planter* and "poor Cap*t* Cawsey" vanished all hope of locating and obtaining the original volumes of his library, but here in the reconstructed Governor's Palace in Williamsburg will stand the same titles that Norborne Berkeley, Baron de Botetourt, owned; and, to the extent to which he selected and read them, they will reflect his literary inclinations and his reading interests.

## GOVERNOR BOTETOURT'S LIBRARY

*Verbatim transcriptions from Governor Botetourt's "Catalogue," here printed in italics, are followed by entries printed in roman type, indicating what are believed to be the authors, titles and editions of the works listed in the "Catalogue." As is apparent from the illustration opposite, the subdivisions into categories in the following do not appear in the "Catalogue."*

### *Literature—English*

4 *Fool of Quality*. Brooke, Henry. The Fool of Quality; or, The History of Henry, Earl of Moreland. London, 1767-1769. 4 v.

2 *Adventures of Jos. Andrews*. Fielding, Henry. The History of the Adventures of Joseph Andrews, and his friend Mrs. Abraham Adams. London, 1742. 2 v.

6 *Tom Jones*. Fielding, Henry. The History of Tom Jones, a Foundling. London, 1749. 6 v.

1 *Ode to Shakespear*. Garrick, David. An Ode upon Dedicating a Building, and Erecting a Statue, to Shakespeare, at Stratford upon Avon. London, 1769.

# A Catalogue of y.r Books in the Library.

| No. of Volumes | | |
|---|---|---|
| 3 | | Clarendon's History of the Rebellion |
| 2 | | Postlethwayt's Dictionary |
| 2 | | Johnson's Dictionary |
| 7 | | Statutes at Large |
| 2 | | Anderson on Commerce |
| 3 | 1 | Plinius Harduini |
| 2 | | Miller's Gardener's Dictionary |
| 1 | | Virginia Laws |
| 1 | | Laws of Virginia |
| 2 | | Raleys History of the World |
| 1 | | Conquest of Mexico |
| 1 | | Jacobs Law Dictionary |
| 4 | | Bacons Works |
| 3 | | Lockes Works |
| | | Acts of George the 2nd beginng in the 15y.r & of His Reign, ending the 30. |
| 1 | | Coopers Dictionary |
| 2 | 2 | Trapp's Virgil |
| 1 | | Ansons Voyage |
| 1 | | Journal of the House of Burgesses |
| 3 | | Minutes of the Coun.l from Jan.y 1765 to May 1768 |
| 1 | | Universal Dictionary of the marine |
| 1 | | Map of Virginia |

Vols cont.d
1 Virginia Laws —
1 Pamphlet Military Devotion
1 Byron's Narrative —
1 Ode to Shakespear —
1 Journal of H. Burgesses —
1 Seat of the late War —
1 Nest North America
1 Ruined —
1 Ignorant Philosopher —
a parcel of Pamphlets & old Magazines —
1 Atlas — 3 Books of Plants & Drawings in paste board
1 red Letter Case —

1 *Milton's Paradise lost.* MILTON, JOHN. Paradise Lost. A Poem, in twelve Books. London, 1759.
9 *Popes Works.* POPE, ALEXANDER. The Works of Alexander Pope. London, 1766. 9 v.
6 *Hanmers Sheakspeare.* SHAKESPEARE, WILLIAM. The Works of Shakespeare. Oxford, 1744. 6 v.
8 *Swift's Works.* SWIFT, JONATHAN. Works. Edinburgh, 1756. 8 v.
1 *Plays.*
10 *Select Plays.* DODSLEY, ROBERT. A select Collection of Old Plays. London, 1744. 12 v.
9 *Do*

## *Literature—French*

1 *Telemaque.* FÉNELON, FRANÇOIS DE SALIGNAC DE LA MOTHE. Les Avantures de Télémaque, Fils d'Ulysse. Amsterdam, 1734.
9 *Letters de Maintenon.* MAINTENON, FRANÇOISE D'AUBIGNÉ, MARQUISE DE. Lettres. Amsterdam, 1756. 9 v.
6 *Memoirs de Maintenon.* Mémoires pour servir à l'Historie de Mme de Maintenon et à celle du Siècle Passé. Amsterdam, 1755-1756. 6 v.
1 *Belisaire.* MARMONTEL, JEAN FRANÇOIS. Belisaire. Paris, 1767.
8 *Oeuvres de Moliere.* MOLIÈRE. Les Oeuvres de Monsieur de Molière. Paris, 1697. 8 v.
8 *Oeuvres de Voltaire.* VOLTAIRE. Oeuvres de M. de Voltaire. Dresden, 1748. 8 v.

## *Classics—Latin*

1 *Caesar Auden dorpii.* CAESAR. Oratio de Literariis C. Julii Caesaris Studiis. Leyden, 1740.
9 *Ciceronis Opera Oliveti.* CICERO. Opera, cum Delectu Commentariorum edebat Josephus Olivetus. Genevae, 1758. 9 v.
2 *Traps Virgil.* VIRGIL. The Aeneis of Virgil, tr. into Blank Verse, by Joseph Trapp. London, 1718-1720. 2 v.

## *Classics—Greek*

2 *Leland's Demosthenes.* DEMOSTHENES. The Orations of Demosthenes. London, 1754. 2 v.
6 *Popes Illiad.* HOMER. The Iliad of Homer. Tr. by Alexander Pope. London, 1760. 6 v.
5 *Popes Odyssey.* HOMER. The Odyssey of Homer. Tr. by Alexander Pope. London, 1760. 5 v.

## *Dictionaries*

1 *Ainsworths Dictionary.* AINSWORTH, ROBERT. Thesaurus Linguae Latinae Compendiarius, or Dictionary of the Latin Tongue. London, 1736.

1 *Bailey's Dictionary.* Bailey, Nathan. Dictionarium Britannicum; or, A more compleat universal Etymological English Dictionary than any extant. London, 1730.

1 *Boyers Dictionary.* Boyer, Abel. The Royal Dictionary. London, 1742.

1 *Dictionare de Boyer.* Dictionnaire François-anglois et Anglois-françois. Londres, 1764.

1 *Boyers Dictionary abridged.* The Royal Dictionary Abridged. London, 1761.

1 *Coopers Dictionary.* Cooper, Thomas. Thesaurus Linguae Romanae et Britannicae. London, 1565.

2 *Johnson's Dictionary.* Johnson, Samuel. A Dictionary of the English Language. London, 1755. 2 v.

1 *Johnson's Dictionary abridg'd.* Johnson, Samuel. A Dictionary of the English Languages . . . Abstracted from the Folio Edition. Dublin, 1768.

1 *Littletons Dictionary.* Littleton, Adam. Linguae Latinae Liber Dictionarius Quadripartitus. London, 1703.

1 *Meige's Dictionary.* Miège, Guy. A new Dictionary French and English, with another English and French. London, 1679.

## *Philosophy*

2 *Antoninus's Meditations.* Aurelius Antoninus, Marcus. The Meditations of the Emperor Marcus Aurelius Antoninus. Glasgow, 1764. 2 v.

4 *Bacons Works.* Bacon, Francis. The Works of Francis Bacon. London, 1740. 4 v.

1 *Carter's Epictetus.* Epictetus. All the Works of Epictetus which are extant . . . tr. by Elizabeth Carter. London, 1758.

3 *Lockes Works.* Locke, John. The Works of John Locke. London, 1722. 3 v.

1 *Ignorant Philosopher.* Voltaire. The Ignorant Philosopher. London, 1767.

## *History*

3 *L'Esprit de la Ligue.* Anquetil, Louis Pierre. L'Esprit de la Ligue, ou Histoire politique des Troubles de France, pendant les XVIe & XVIIe Siècles. Paris, 1767. 3 v.

2 *European Settlements.* Burke, Edmund. An Account of the European Settlements in America. London, 1757. 2 v.

1 *Byron's Narrative.* Byron, John. The Narrative of the Honourable John Byron (Commodore in a late Expedition round the World) containing an Account of the great Distresses suffered by himself and his Companions on the Coast of Patagonia, from the Year 1740, till their Arrival in England, 1746. London, 1768.

3 *Clarendon's History of the Rebellion.* Clarendon, Edward Hyde, 1st earl of. The History of the Rebellion and Civil Wars in England, begun in the Year 1641. Oxford, 1702-1704. 3 v.

1 *Coidens His of Canada.* COLDEN, CADWALLADER. The History of the Five Indian Nations of Canada. London, 1747.

1 *His: of the 5 Indian Nations.* COLDEN, CADWALLADER. The History of the Five Indian Nations of Canada. London, 1755. 2 v.

2 *Douglass's North America.* DOUGLASS, WILLIAM. A Summary, Historical and Political, of the first Planting, progressive Improvements, and present State of the British Settlements in North-America. Boston, 1755. 2 v.

2 *Goldsmith's Roman History.* GOLDSMITH, OLIVER. The Roman History, from the Foundation of the City of Rome, to the Destruction of the Western Empire. London, 1770. 2 v.

6 *Humes His: of England.* HUME, DAVID. The History of England. London, 1762. 6 v.

2 *Knox's historical journal.* KNOX, JOHN. An Historical Journal of the Campaigns in North America, for the Years 1757-60. London, 1769. 2 v.

2 *Ralegs History of the World.* RALEIGH, SIR WALTER. The History of the World . . . with his Life and Trial. London, 1736. 2 v.

3 *d Vol of Rapins History.* RAPIN-THOYRAS, PAUL DE. The History of England. London, 1732-1736. 3 v.

3 *Robert's His: of Charles the 5th.* ROBERTSON, WILLIAM. The History of the Reign of the Emperor Charles V. London, 1769. 3 v.

4 *Smollets His. of England.* SMOLLETT, TOBIAS. A Compleat History of England. London, 1757. 4 v.

4 *Smollet's Continuation.* SMOLLETT, TOBIAS. Continuation of the Complete History of England. London, 1760-1761. 4 v.

1 *Conquest of Mexico.* SOLIS, ANTONIO DE. The History of the Conquest of Mexico by the Spaniards. Done into English from the original Spanish. London, 1724.

1 *Stiths His: of Virginia.* STITH, WILLIAM. The History of the First Discovery and Settlement of Virginia. Williamsburg, 1747.

20 *Universal history.* An Universal History, from the earliest Account of Time. Comp. from Original Authors. London, 1747. 20 v.

1 *Ansons Voyage.* WALTER, RICHARD. A Voyage round the World, in the years MDCCXL, I, II, III, IV. By George Anson, Esq. . . . Comp. from his Papers and Materials by Richard Walter, Chaplain of His Majesty's Ship the *Centurion*, in that Expedition. London, 1769.

1 *Atlas.*

## *Trade and Commerce*

2 *Anderson on Commerce.* ANDERSON, ADAM. An Historical and Chronological Deduction of the Origin of Commerce, from the earliest Accounts to the Present Time. London, 1764. 2 v.

1 *Discourse of Trade.* Pollexfen, Sir Henry. A Discourse of Trade, Coyn, and Paper Credit, and of Ways and Means to gain and retain Riches. London, 1697.

2 *Postlethwayt's Dictionary.* Postlethwayt, Malachy. The Universal Dictionary of Trade and Commerce . . . adapting the same to the present State of British Affairs in America. London, 1766. 2 v.

## *Statutes and Political Science*

1 *Observations on the Statutes.* Barrington, Daines. Observations upon the Statutes, chiefly the more ancient, from Magna Charta to the twenty-first of James the First. London, 1766.

3 *Blackstones Commentaries.* Blackstone, Sir William. Commentaries on the Laws of England. Oxford, 1765-1769. 4 v. "2nd vo lent out & not returned."

*Acts of George the second beginning in the 15 yr of His Reign, ending the 30th.*

3 *Minutes of the Lord from Jany 1765 to May 1768.*

7 *Statutes at Large.* Great Britain. The Statutes at large from the Twentieth Year of the Reign of King George the Second to the Thirtieth Year of the Reign of King George the Second. London, 1763-1764. 7 v.

26 *Statutes at Large.* Great Britain. The Statutes at large from Magna Charta to the End of the Eleventh Parliament of Great Britain, Anno 1761. By Danby Pickering. Cambridge, 1762-1769. 26 v.

1 *Jacobs Law Dictionary.* Jacob, Giles. A New Law-dictionary: containing the Interpretation and Definition of Words and Terms used in the Law. London, 1756.

1 *Kerkead.* Kerkraad, Abrahamus A. Dissertatio Juridica de Jure Patris. 1708.

6 *L'Ami de Hommes.* Mirabeau, Victor Riqueti, marquis de. L'Ami des Hommes, ou Traité de la Population. [Paris?] 1758-1760. 6 v.

2 *L'Esprit des Loix.* Montesquieu, Charles Louis de Secondat. De l'Esprit des Loix. Geneve, 1748. 2 v.

1 *Postlethayt's System.* Postlethwayt, Malachy. Great-Britain's true System . . . to which is prefixed, an Introduction, relative to the Forming a new Plan of British Politicks, with respect to our Foreign Affairs, and our Connections on the Continent. London, 1757.

1 *Pounal on the Colonies.* Pownall, Thomas. The Administration of the Colonies. London, 1768.

1 *Journal of the House of Burgesses.* Virginia (Colony). House of Burgesses Journal. [Session: May 8-17, 1769] Williamsburg, Rind, 1769.

1 *Journal of H. Burgesses.* Virginia (Colony). Journal. [Session: Nov. 7–Dec. 21, 1769; May 21–June 28, 1770] Williamsburg, Rind, 1770.

1 *Laws of Virginia.* Virginia (Colony). A Collection of all the Acts of Assembly, now in force, in the Colony of Virginia. Williamsburg, Parks, 1733.

1 *Virginia laws.* Virginia (Colony). The Acts of Assembly, now in force, in the Colony of Virginia. Williamsburg, Hunter, 1752.

1 *Virginia laws.* Virginia (Colony). The Acts of Assembly, now in force, in the Colony of Virginia. Williamsburg, Rind, Purdie and Dixon, 1769.

1 *Virga Laws abridg'd.* MERCER, JOHN. An exact Abridgment of all the Public Acts of Assembly, of Virginia, in force and use. Williamsburg, Parks, 1737.

## *Military Science*

1 *Prussian Exercise.* An Abridgment of the English and Prussian Military Exercise of the Foot. By a Gentleman of the Army. London, 1759.

1 *Military Essay.* DALRYMPLE, CAMPBELL. A Military Essay. Containing Reflections on the Raising, Arming, Cloathing, and Discipline of the British Infantry and Cavalry; with Proposals for the Improvement of the same. London, 1761.

1 *Diseases of the Army.* PRINGLE, SIR JOHN. Observations on the Diseases of the Army, in Camp and Garrison. London, 1752.

1 *Camp Discipline.* System of Camp Discipline, Military Honours, Garrison-duty . . . and other Regulations of the Land Forces, collected by a Gentleman of the Army. London, 1757.

## *Religion*

1 *Bible.*

1 *Prayer book.*

4 *Atterbury's Sermons.* ATTERBURY, FRANCIS. Sermons and Discourses on several Subjects and Occasions. London, 1740. 4 v.

4 *Sherlocks Sermons.* SHERLOCK, THOMAS. Discourses. London, 1764. 4 v.

3 *Vol's Sherlock's Sermons said to be in the House when my Lord came.*

1 *Spinkes Devotion.* SPINCKES, NATHANIEL. The true Church of England Man's Companion in the Closet; or, complete Manual of Devotion. 6th ed. London, 1749.

## *Science and Practical Arts*

1 *Universal Dictionary of the marine.* FALCONER, WILLIAM. An Universal Dictionary of the Marine: or, a Copious Explanation of the Technical Terms and Phrases employed in the Construction, Equipment, Furniture, Machinery, Movements, and Military Operations of a Ship. London, 1769.

1 *Flora Virginica.* GRONOVIUS, JOANNES FREDERICUS. Flora Virginica, exhibens Plantas quas v.c. Johannes Clayton in Virginia observavit atque collegit. Lugduni Batavorum, 1739.

16 *Treatise on Ventilators.* HALES, STEPHEN. A Treatise on Ventilators. London, 1758.

1 *Essays on Husbandry.* HARTE, WALTER. Essays on Husbandry. London, 1764.

2 *Miller's Gardener's Dictionary.* MILLER, PHILIP. The Gardeners Dictionary: containing the Methods of Cultivating and Improving the Kitchen, Fruit and Flower Garden, as also, the Physick Garden, Wilderness, Conservatory, and Vineyard. London, 1737-1739. 2 v.

3 *Plinius Harduini.* PLINY. Historiae Naturalis . . . quos Interpretatione et Notis illustravit Joannes Harduinus. Paris, 1723. 3 v.

## *Miscellaneous*

*Court & City Register for 1768.*

*Do* *1769 & 1770.* RIVINGTON, JOHN, comp. The Court and City Register for the year 1768. Containing, I. New and Correct Lists of both Houses of Parliament. II. The Court Register. III. List of the Army, Navy, Universities, Public Offices, Hospitals, etc. London, 1768.

——— Same. 1769.

——— Same. 1770.

*Virginia Almanack—do* [*1768, 1769, 1770*]. The Virginia Almanack for the Year of our Lord God 1768. By T. T. Philomath. Williamsburg, Purdie & Dixon [1767].

The Virginia Almanack . . . 1769. Williamsburg, Purdie & Dixon [1768].

The Virginia Almanack . . . 1770. Williamsburg, Purdie & Dixon [1769]. [Almanacs for these years were published also by Rind.]

*Stat. Will. & M. Coll.* WILLIAM AND MARY COLLEGE. The Charter, Transfer and Statutes, of the College of William and Mary; in Virginia: in Latin and English. Williamsburg, Hunter, 1758.

## *Unidentified and Unclassified*

1 *Seat of the late war.*

1 *Pamphlet Military Devotion.*

# PROBLEMS IN THE BIBLIOGRAPHICAL DESCRIPTION OF NINETEENTH-CENTURY AMERICAN BOOKS*

*By* Jacob Blanck

WHEN it was suggested that I make some remarks on the problems involved in the bibliographical description of nineteenth-century American books, I was at first inclined to dismiss the idea with the statement that the existing problems were so few and so trivial that they were hardly worth discussion. But that first inclination, like most snap judgments in bibliography, failed to stand up in the face of examination. In fact, the more consideration I gave the subject, the more I became convinced that one who attempts a bibliography of almost any nineteenth-century American author has embarked on a task that may prove endless.

Compared with such riddles as *The Vicar of Wakefield*, with its many textual points; or compared with *The Pickwick Papers* or *Vanity Fair*, this may seem a somewhat exaggerated statement. Nevertheless, if one wishes to pair these problems of English publications with American, it would not be inappropriate to compare Washington Irving's *Sketch Book*, in the original seven paper-covered parts, with *Pickwick*. And, as bibligraphical puzzles, *The Vicar of Wakefield* and *Huckleberry Finn* make good companions. Also, we may compare the problem of nineteenth-century American books with that offered by incunabula, for in both of these fields the bibliographer encounters difficulties that are

* Read at the Society's meeting held in Chicago, December 30, 1941.

worth the attention of a Hain or of any of the gentlemen who were the founding members of the Roxburghe Club.

And so after some thought, I came to the conclusion that there were two special problems that confront the bibliographer of nineteenth-century American books: first, changes in manufacturing methods; second, scarcity of large collections of American first editions due to the indifference of collectors and institutions. I hasten to add that this latter condition has changed considerably during the past twenty years.

Let us consider the first of these problems and see how it affects the technical description of books. First, we must agree that it is not sufficient to translate the physical form of a book into familiar bibliographical symbols. One may describe to perfection a pamphlet of seven leaves, but until the bibliographer can explain that seventh leaf the collation is incomplete. Is the seventh leaf the result of its excised conjugate? Or is it the result of an insert? In order to answer the question there must be some knowledge of the conditions under which the pamphlet in question was produced. As R. F. Roberts wrote recently, the mere fact of having square brackets on your typewriter doesn't make you a bibliographer.

The nineteenth century began with the birth of the industrial era. Steam, after long experimentation, had been harnessed; electricity was becoming the study of practical men rather than the toy of the philosophic. The individual artisan was engaged in a losing struggle with the mill and the factory. In short, the industrial era was at the beginning of flood tide, and fantastic predictions were made and believed. The turn of the century was witnessing the birth of an era that would eventually boast its ability to produce a million intricate machines, one differing by not the slightest from the other. Mass production, with all its connotations, not the least of which is uniformity, was the inevitable, if not the conscious, goal. The craftsman was to be finally

submerged, and in his place the machine was to appear. Theoretically, our productions were to be manufactured like so many cookies cut by the same form, but whether or not this happened we shall see presently.

If this condition, this striving after mass uniformity, affected life in general, the book was not to escape the change. And here we have the first problem of the bibliographer who approaches nineteenth-century American books.

While the bibliographer who works with the earlier books has but the product of movable types with which to contend, the research worker who attempts nineteenth-century American bibliography must take into account the processes of stereotyping and electrotyping and, later, of linotype, monotype and the other mechanical devices that were introduced during the nineteenth century. By the time that century ended it had become possible to manufacture a book in which every step in production, from typesetting to binding, could be done by machine. Mechanization of book production was carried to its logical end; certain publishers established what may be properly called factories for the purpose of writing the romances that the presses so copiously produced. Staffs, working on a weekly basis, produced dozens of novels which were issued under a common pseudonym. It has been rumored that Jack London and Sir James M. Barrie, at one time or another, were workers in such factories, but thus far no evidence, pro or con, has been produced. It has been definitely established, however, that Upton Sinclair did such work.[1]

A not unrelated problem is that of pseudonyms. The late Edmund Lester Pearson once wrote that "it was an age when a fictitious name was part of the equipment of half the authors. And a room in the psychopathic ward awaits anyone who tries to unravel

[1] Upton Sinclair wrote several juvenile thrillers for Street & Smith. As *Ensign Clarke Fitch* he wrote *A Soldier Monk*, New York [1899]; *Clif: The Naval Cadet*, New York [1903], both appearing in the "Columbia Library Series." As *Lieut. Frederick Garrison* he wrote *Off For West Point*, New York [1903], published as part of the "Boys' Own Library Series."

their mystifications." [2] All these factors, the mechanization of printing, typesetting, binding and writing, *must* be recognized when one considers the bibliography of the nineteenth century. These are problems, with the exception of the pseudonym, that in no way affect the bibliographer who concerns himself with the preceding centuries. And thus it is that the industrialism of the nineteenth century, with all its pride in assembly line uniformity, increased, rather than decreased, the problems of the bibliographer.

The printer of the preceding centuries had a limited supply of type, so limited, in fact, that more often than not, in the event he had undertaken a book of some size, it was necessary to print the first few gatherings, distribute the type, reset, and then print the succeeding gatherings; the process was repeated until the entire book was printed. Moreover, if the book was unusually large — the 1647 folio of Beaumont and Fletcher provides an excellent example — the publisher might break the text down into several comparatively small takes and give each to a different printer. In this manner several printers working independently would turn out their allotted portions, and eventually all the sheets would be brought together as a bound unit.

The important point here is that, under either circumstance, once a book was printed the printers could not afford to keep their types standing in the hope of a second printing. To have done so might conceivably have meant that there would have been no types available for whatever other work was forthcoming. In the case of the printer who was obliged to distribute his type after printing but a few gatherings, the picture is even clearer. What we have in his case is a single printing with no changes save those inevitable corrections and alterations that so often occurred, and still occur, during the course of printing. Thus when the available stock of a book was exhausted and the market required additional copies, the latter had to be printed from completely reset types;

[2] *Dime Novels* . . . , Boston, 1929, pp. 21-22.

and such new editions were readily distinguishable from the old ones.

The nineteenth-century printer, on the other hand, was seldom exposed to the same set of circumstances. The greater portion of the books that concern this discussion were printed and published in the great centers of the Eastern seaboard: Boston, Philadelphia and New York, cities where the printing press had been in operation before the end of the 1600's. By the time the industrial era of the nineteenth century steamed into existence, these centers not only had enough type for normal production but, and this is important, by 1815 they had adopted the newly introduced method of stereotyping and could thus release their types for other jobs.[3] The stereotype plates remained and from them thousands of books were reprinted during the course of months or years. The machine age had arrived. Uniformity had come to book manufacture. And so, while the student of early books may very often turn to his colophon, with its explicit statement as to time of printing, and thus establish priorities of issue, or secure the same information from the title-page, how is the bibliographer to distinguish the reprints of the nineteenth-century American publisher if the latter merely reprinted from plates without so much as a reprint notice? Unfortunately that is just what too often happened.

Let us jump to the latter part of the century and take a horrible example of nineteenth-century publishing—let us take, for example, Daniel Lothrop of Boston, who, under the original firm

[3] "Stereotyping by plaster was brought to . . . [the United States] . . . by David Bruce in 1813."—*The New International Encyclopaedia*, Second Edition, New York, 1935, Vol. 19, p. 217.

"School editions of the New Testament in bourgeois, and the Bible in nonpareil (1814-15) were their [David and George Bruce's] first stereotype works; and subsequently the earlier issues of the American Bible Society, as well as a series of Latin classics, were also produced."—*The National Cyclopaedia of American Biography*, New York, 1909, Vol. 11, p. 274.

"In America, stereotyping was introduced by David Bruce (1813) who served his apprenticeship in Edinburgh. The first book stereotyped in the United States was the Westminster Catechism, printed by John Watts in 1813."—*The Encyclopaedia Britannica*, Fourteenth Edition, Vol. 18, p. 504.

name of D. Lothrop & Company, was probably the worst offender in a century noted for cheap paper and shoddy printing. Lothrop, as the publisher of a magazine for juveniles, hit upon the happy device of so printing his magazine from plates that, once the plates had been used for the purposes of his magazine, they could be broken down into book-page size and used for the manufacture of books. It was his almost invariable practice not to date title-pages, which sly trick was presumed to conceal the age of the book from the unsuspecting. Under these circumstances he issued in 1881 his most successful book, *Five Little Peppers and How They Grew*, published soon after his marriage to the author.* During the first fifteen years of the book's existence an average of a thousand copies a week were sold, a total of 1,090,000 copies; and during the first few months of this period the book was issued with no readily apparent change in format and imprint.

Here, then, is a typical example of the possibilities of book manufacture during the nineteenth century, and it presents a fairly common problem that is totally unknown to the bibliographer of the earlier days of handset type. Because of certain changes we have been able to identify the first printing of *Five Little Peppers*,[4] and but for these it would be difficult indeed to describe the first printing in accepted bibliographical form. Thus, we are obliged to go back to the point mentioned earlier: It is not a question of merely describing what we see; it is rather the problem of interpreting the physical facts of the book. To do this requires some knowledge of the conditions under which the book

* The book was received at the Copyright Office Otcober 13, 1881; Daniel Lothrop and Harriet Mulford Stone ("Margaret Sidney") were married October 4, 1881.

[4] The text of the reprints was revised extensively. Italics, which are quite frequent in the first printing are, more often than not, changed to roman in the reprints. For ready identification the following points are given: 1st printing: p. 7 (being the first page of text), last line ends: " . . . little Pep-"; p. 231, the caption reads: ". . . said Polly." Later printings read (at points indicated): ". . . and the little"; ". . . said Phronsie." The first printing carries an 1880 copyright notice, later changed to 1881 and still later 1880! As late as 1902 the book was issued from the original unrevised plates with an 1880 copyright notice. The latter bears the imprint of one of the successor firms and can, therefore, be identified as a reprint.

was produced; requires some acquaintance with the methods and shortcuts attempted by the nineteenth-century printer or publisher.

At this time I would like to make brief mention of an important contribution to bibliography that has been of immeasurable help in cutting through the confusion caused by printing methods similar to Lothrop's. I refer to what is commonly called "the broken-type theory," a system so revealing and so simple that it must, eventually, be generally accepted. Its great exponent was the late Merle Johnson,[5] and, as one who has made an attempt to continue his research, I can state that many of his conclusions, based wholly on the examination of type, have since been proved correct by the discovery of less tenuous points. Briefly, the theory is this: that as type or plates are used in the printing of a book, certain wear must of necessity occur. In the ordinary course of printing, quite often the metal becomes chipped or broken due to any number of possible causes. If it is suspected that a book exists in two or more states it becomes fairly obvious that copies with unbroken type, or the copies showing evidence of least wear, preceded those copies with type defects—or the evidence of continued printing. The theory does not assert, as some allege, that broken or worn type is proof positive of a reprint. We know that some books were first printed from battered type, *Huckleberry Finn* being an example. The study of the printed page can and does reveal much to the trained eye, and any bibliographer who is instinctively certain that two books under observation are of two different printings will do well to consult a practical printer who can point out evidences of wear if they are not sufficiently apparent to the bibliographical eye. Among the books whose status has been clarified by this method is Louisa M. Alcott's *An Old-*

[5] Prior to his death in 1935, Merle Johnson discussed the theory at length and with anyone willing to listen. So far as I know Johnson mentioned his theory in print but twice: in the introductions to *American First Editions* (revised edition), New York, 1932, and to *High Spots of American Literature*, New York, 1929.

*Fashioned Girl*, and Stephen Crane's *The Red Badge of Courage*. It is worth mentioning that this same method of detection is an accepted fact, and not a theory, in print collecting and philately. It is one of the tools that the bibliographer of nineteenth-century American books will do well to study—especially if he is to unravel the typographical antics of such publishers as Daniel Lothrop.

The second obstacle that has impeded the fuller development of nineteenth-century American bibliography is indifference. Obviously one cannot describe a book unless it can be located. Like Dame Hannah Glasse's recipe for rabbit pasty: first catch your rabbit. The bibliographer who ventures into the earlier period has a tremendous body of information on which he may build. The bibliographers who preceded him have cleared a path which, while it may not be a broad highway, is something more than a footpath in the wilderness. Nineteenth-century American first editions, until quite recently, were the stepchildren of bibliophily, and cross-eyed stepchildren at that.

It was not until P. K. Foley published his epochal *American Authors* in 1897 that the collecting of American first editions started to come into its own. Some years before Foley, in 1885, the mysterious Leon brothers issued the first catalogue to be devoted in its entirety to American first editions, as opposed to Americana. The publication was such an event that the publishers issued the catalogue not only in an ordinary edition but also in a de luxe large-paper edition printed on Whatman paper. In a sense, this catalogue was the first bibliography of American first editions, for the compilers listed all the known works of their chosen authors whether or not the titles were in the shop's stock. The Leons, so far as we know, issued no other catalogue, and vanished. Eight years later, in 1893, Herbert S. Stone published his *First Editions of American Authors*, and in the introduction to that book Eugene Field, one of the earliest collectors of nineteenth-century American authors, mentions eighty collectors by name, of

which number but three or four were collecting nineteenth-century American first editions.

But Foley was the great milestone. And he came decades ahead of his time, for American first editions were not actively collected until the 1920's. True, Foote had appeared,[6] and Arnold[7] and Chamberlain and Maier,[8] but they were solitary voices among bibliophiles. It was in 1910-20 that collectors in more generality began to discover American first editions—and also discovered that for the most part they were totally or inadequately described. True, Sabin and Evans were partially available, but Sabin was not to be completed until 1936, and Evans, to this day, has not progressed in its chronological arrangement into the nineteenth century. Furthermore, these were not, essentially, tools for the collector of first editions in general, but designed primarily as aids to the collector of pure Americana. There were the trade catalogues compiled by Roorbach, Kelly and Leypoldt, but these were trade publications, of tremendous value to the research worker, but not manuals for the collector. There were some few single-author bibliographies, a few exhibition catalogues, and little else. On the other hand, there were hundreds of tools devoted to early printed books and to British and Continental authors.

To demonstrate the small esteem in which the average collector held American first editions, let us consider Seymour de Ricci's *The Book Collector's Guide*, published twenty years ago by The Rosenbach Company.[9] This compilation, subtitled "a practical handbook of British and American bibliography," was advertised as a list of books "which fashion and the verdict of bibliophiles have decided to be the most desirable for an enlightened

[6] Sale, Nov. 23, 1894.

[7] Sale, Jan. 30-31, 1901.

[8] Chamberlain sale, Feb. 16-17, 1909. A second sale, of duplicates and lesser authors, on Nov. 4-5, 1909, should not be overlooked. The Maier sale, Nov. 16-17, 1909, marked the nadir of values of first editions of American books.

[9] Philadelphia and New York: The Rosenbach Company, 1921.

collector." An enlightened collector . . . . ! The book consists of 649 pages, of which a scant thirty—about five per cent of the whole—are devoted to American first editions. It may be argued, with some reason, that since American literature was but a youngster, the disparity was natural. But that argument, valid though it may be, does not explain why the *total* space allotted to Mark Twain, James Fenimore Cooper, Walt Whitman, John Greenleaf Whittier and Edgar Allan Poe should have been about five pages in the aggregate—less than one per cent of the whole book—while at least that much space was given to George Meredith, a like amount to Oscar Wilde, and 11 and 14 pages to Robert Louis Stevenson and Algernon Charles Swinburne, respectively. Of even greater significance is the fact that the list makes no mention of the earlier American authors, such as Charles Brockden Brown, Susanna Rowson or the author of *The Power of Sympathy*. The nineteenth-century authors who are not mentioned at all make an impressive list, including Louisa May Alcott, Thomas Holley Chivers, Richard Henry Dana, Jr., Henry William Herbert, Francis Parkman, Emily Dickinson and—Herman Melville.

It is not my intention—especially in these days—to suggest that this condition was the result of an anti-American conspiracy, but I do offer the fact as evidence that the indifference to American first editions and the consequent absence of collections devoted to them constitute a problem that only time and the activities of the collector can remedy. Without benefit of numerous collections, or the observations of collectors, the bibliographer must start from scratch—a joyous enough undertaking but somewhat tempered when it is discovered that certain books must remain undescribed because they cannot be located. The situation has changed, but the change has been made, in the main, within the past twenty years. Collections such as those assembled by Walter T. Wallace, Stephen H. Wakeman (the greatest of all), Carroll A. Wilson, Parkman D. Howe, Frank J. Hogan, Owen

Aldis, J. K. Lilly, Jr., Owen D. Young and W. T. H. Howe are rare.

Thus these two factors, manufacturing methods and indifference, make nineteenth-century American bibliography something apart from all other bibliography. The language is the same whether one is concerned with Gutenberg or Mark Twain, but the backgrounds differ, and the student of the later period, while he should and must know something of what preceded his chosen era, cannot apply the same rules. The methods of manufacture differ no less than the collecting habits, and these two differences must be respected for what they are, for what they represent.

We are beginning to build a great body of American bibliographical knowledge. To-day in the city of Chicago there is an index of about seven million cards representing the present status of the Historical Imprints Inventory. These seven million cards represent but a fraction of the work that is yet to be done. We must, among other things, formulate a set system of bibliographical description and must create that system now, while we are in the first stages of the construction. The tools and the language of bibliography are available; it is simply a question of how best to apply them. The desire and the ability exist--the fact of the Bibliographical Society of America proves that. If further proof is wanting we can point to the dozens of bibliographies of American authors—good, bad and indifferent—that have come forth during the past twenty years.

I believe it possible to establish a more or less uniform method, one that will be completely understandable, concise and definitive. In 1937 Thomas Franklin Currier published what is probably the best single-author bibliography ever done in the United States, his bibliography of John Greenleaf Whittier.[10] It has everything that most bibliographers would call for except the customary lining off of the title-pages. Mr. Currier explains that after examining large numbers of a single title, and finding no

[10] Harvard University Press.

differences on the title-pages, it is needless to line off since it may be assumed that all copies are alike. Yet, with others, I believe that the bibliographer ought to leave a record of what he considers the normal title-page, for it is obvious that the variant, if it exists, might pass unremarked unless an observer had some basis for comparison. If it were possible I should like to see the libraries of the United States catalogue their books in such manner that the cards could be used as permanent and definite bibliographical records. As matters now stand most libraries, following the method of the Library of Congress, disregard upper-case letters except when used at the beginning of a title or in a proper name. This certainly is not good bibliography. I also believe that we should abandon the use of the metric system, because to the average American collector fifteen centimeters is an unknown quantity while eight inches presents a very definite picture. If we are to improve American bibliography, and I think we shall, then we must so define our terms that they cannot be misunderstood by any person who wishes to use them. Possibly the most misused and misunderstood words in all bibliography are the words state, issue, and edition.

Shortly before *The Colophon* suspended publication, one of its editors, Frederick B. Adams, Jr., suggested that a group of ten or a dozen bibliographers undertake the task of collating the same book; and that, after the collations had been completed, they meet and discuss the individual results with a view to arriving at a universally acceptable collation. The plan unfortunately was interrupted by the war, but its merit remains.

The obstacle of form can be overcome. The indifference to all American authors with the exception of a certain few, such as the great New England group, is disappearing. Private collectors, in this, have led the way, with the libraries, too often, a quarter of a century behind them. There are certain exceptions: Harvard, Yale, Middlebury College, the American Antiquarian Society, to mention but a few, where the collecting and the preservation of

American first editions goes on with more than a little enthusiasm. But there are certain libraries, unfortunately, where this indifference to nineteenth-century American authors continues to survive as a curious contradiction.

On the whole, the problem of the description of nineteenth-century American books is being solved. We are learning how the books were produced; there is every indication that we shall arrive at something resembling a standard method of description; tools such as the Historical Imprints Inventories and Rollo G. Silver's projected directory of nineteenth-century American publishers, will not be the least important contributions. The dealers in rare books, and in particular the dealers of the younger generation, are bringing a fresh curiosity to their work that has already resulted in some remarkably large contributions. Of no little significance is the fact that the membership of the Bibliographical Society of America has almost doubled within the past few years. And if one may judge by these portents, American bibliography has attained its majority.

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*Rare Americana*

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# REVIEWS

THOMAS, HENRY. *Early Spanish Bookbindings XI-XV Centuries. By Henry Thomas.* London, Printed for the Bibliographical Society at the University Press, Oxford. 1939 (for 1936). xlvi, 65, [2] pp. + 100 plates. 10¾ x 8¾ inches.

To most of us "Spanish Bindings" mean, in general, either rather wrinkled vellum wrappers with large Gothic lettering on the backs and braided ties, or mottled calf with somewhat powdery gold tooling, and mottled or stained edges. The bindings which Dr. Thomas surveys in this monograph are, however, a quite different and much more artistic article. In the first place they are nearly all of sound Spanish morocco, the Cordovan leather of the romances, and in the second place they are, for the most part, intricately tooled but without the use of gold.

Despite the importance of Spain in the development of European bookbinding there is as yet no general history of Spanish binding. It is not perhaps too much to say that this volume represents the first chapter of such a history, for, though it will probably be amplified when once more the libraries and museums of Spain are open to students, it seems unlikely that the broad outlines here set down will be altered.

The bindings of this early period, in so far as they are peculiarly Spanish, show the hispano-moresque decoration which is to be found in the architecture, woodwork, ceramics, and textiles of mediaeval Spain. Dr. Thomas calls these bindings "mudéjar" from the name of the subjugated Moors, or "mudéjares," who until their expulsion at the end of the fifteenth century evidently formed the artificer class in the Peninsula. The definition of "mudéjar" bindings which he gives is one which is likely to become a *locus classicus:* "in a typical mudéjar binding the (double) lines are all-important, the stamps merely providing a background to set off the interlacing strap-work design formed by the lines . . . the stamps are almost monotonous, being for the most part conventional strips of cord or knots, as mudéjar art followed the Arabic tradition of excluding representations of living things."

If one were to judge of Grolieresque strap-work designs from a definition, without seeing any examples of their infinite variety, one might suppose them to be a monotonous class. Just so, if Dr. Thomas had not provided a magnificent array of reproductions, largely from examples in Spanish libraries, one might think these mudéjar bindings limited and un-

interesting. It must be a matter of genuine regret that the violence of Spanish history and climate have permitted so few of these noble bindings to survive. In this country perhaps the finest example is the Holford Hebrew *Pentateuch*, Lisbon, 1491, now in the collection of Dr. Rosenbach.

In his Introduction Dr. Thomas deals with the problem of whether gold tooling was first practiced in Europe by Spanish binders. While he is able to cite several early documents which appear to confirm the suggestion first made by Mr. E. P. Goldschmidt, he is unable to produce any examples which can with certainty be accepted as being of a date anterior to the known Italian ones. Nevertheless, it is possible that when the bindings he mentions can once again be critically examined, the question may at last be settled.

The reproductions, most of which have been made from photographs taken by Dr. Thomas, are not only well chosen but so perfectly made that one is inclined to forget that such blind-tooled bindings, unless recently "dressed," are apt to be drab-colored and dull. At the beginning are grouped several reproductions of bindings in other materials than leather: ivory, wood, etc.; while at the end occur several examples which include heraldic devices, mostly Catalan, done in a very handsome and slashing Spanish style.

WILLIAM A. JACKSON

GREG, W. W. *A Bibliography of the English Printed Drama to the Restoration. By W. W. Greg. Vol. I. Stationers' Records; Plays to 1616* . . . London, Printed for the Bibliographical Society at the University Press, Oxford, 1939. xxxiii, [3], 492 pp. + 63 plates (facsims.) including front. 11 x 8¾ inches.

In 1900 the [English] Bibliographical Society published the first book of a young member, the twenty-four year old Walter Wilson Greg of Trinity College, Cambridge—*A List of English Plays written before 1643 and printed before 1700*. Copies of this book and of its supplement, *A List of Masques*, 1902, have grown tattered with handling in many libraries throughout the world while their users have awaited the full dress catalogue of the plays which the compiler hoped shortly to have ready. But as the compiler grew more and more skilled in bibliography his conception of his task grew more and more vast, so that not until after the elapse of nearly two score years has the present handsome volume, the first of a set of three, made its appearance.

The scope of the present work is much the same as that of the compiler's earlier list. It will include all plays in English which were written or translated before the end of 1642—the year of the closing of the theatres—or were printed before the beginning of 1660—the year of the Restoration. The arrangement is chronological. Each play is in the order of the supposed date of its earliest surviving edition. The different editions of each play, whether they appeared separately or in collection, are arranged by date of publication.

The present volume contains the preliminary material and the descriptions of plays which were first published on or before 1616—the year of the death of Shakespeare and of the publication of Jonson's *Works*. It includes "Provisional Memoranda"—which will be replaced by a General Introduction in the third volume—extracts from the records of the Stationers' Company of all entries down to 1689 which refer to plays described in this *Bibliography* and finally the descriptions of the extant editions of 350 plays.

The extracts from the Stationers' Register and similar records have been transcribed with an accuracy which has never been attained before. These extracts include, with proper warnings, entries for titles of non-dramatic works likely to be confused with those for titles of plays. Greg's notes on this often bewildering material are most valuable.

The most important portion of the volume is, of course, the List of Plays which begins with *Fulgens and Lucrece* [1512-1516?] and ends with plays first printed in Jonson's *Works*, 1616. These descriptions are elaborate. The title is transcribed in detail and a selected number of catchwords noted. Issues and even variants are distinguished in a manner which gives abundant proof of careful collation of different copies of the same edition. The descent of the text through different editions is sometimes traced. When the printer of a book is not named in the title-page, he is identified by means of his type, initials, or ornaments with a frequency much greater than the compiler would lead the reader to expect (pp. xvii-xviii). Although nothing like a census is attempted, copies are located and their serious defects are noted.

The collation is indicated by a method explained by Greg in his article in *The Library* for March, 1934. This involves the use of symbols which sometimes puzzle the bibliographer who is not familiar with them. Although they are explained briefly on page xvii, it would be well, in the opinion of the reviewer, for Dr. Greg to explain them in greater detail in his final Introduction.

It is to be hoped that the second and third volumes will soon appear. The second volume, as planned, will complete the descriptions of plays, will include a section on "those Latin plays that may be regarded as in some sort belonging to English literature" and another on plays which may have been printed but of which no early copy remains. Full descriptions of editions of collected plays will follow. The third volume, as planned, will include the author's Introduction, appendices and a series of indexes.

Greg's *Bibliography of the English Printed Drama to the Restoration* will long remain a landmark in its field. No system of arrangement for material of this sort is totally without its drawbacks. This, which is neither alphabetical nor by date of composition of the play, may require a little time before the user becomes familiar with it. The bibliographer who deals with early English plays will need no urging to familiarize himself with an aid which is invaluable to him. But it is not a work which the literary student or the teacher can afford to neglect; on the part of those who handle the plays described herein only in modern reprints, its mass of accurate and recondite information regarding the early drama will repay long and careful study.

EDWIN ELIOTT WILLOUGHBY

VORMELKER, ROSE L., Editor. *Special Library Resources. Edited by Rose L. Vormelker . . . Volume I. United States and Canada.* Special Libraries Association, New York [cop. 1941]. 10½ x 7¼ inches. $6.00.

This book is a far cry from the thin volume of one hundred and twenty-three pages issued by the same association in 1921 and edited by Dorsey Hyde, Jr., entitled *Special Libraries Directory*. And yet, that earlier publication and its second edition in 1925, despite the difference in titles, are the legitimate forerunners of this present volume. In his introductory essay to the 1921 volume, Mr. Hyde states that his committee found approximately 1,300 special libraries in the United States, "a large majority of which came into existence during the last ten years." This statement immediately raises the question as to what his definition of a special library might be. He answers it quite definitely when he says: "The American executive analyzes his product, manufacturing methods employed, the organization and financing of the concern, and a hundred similar problems. This curiosity — the wisdom of which has been proved in dollars and cents — is the raison d'être of the special library."

It is clear that this was a narrower view than that taken by the com-

pilers of the present volume. Its pages are liberally sprinkled with the names of public and university libraries, historical associations, newspaper morgues, etc. As a matter of fact, it is difficult to determine just what the basis for selection really has been. One looks for institutions which do not appear, and one is surprised to find institutions included that one did not expect to find in such a list.

For instance, one wonders why the Webb Institute of Naval Architecture Library is not included while the Alhambra (Calif.) Public Library is listed. The Naval War College Library at Newport, Rhode Island, and the Army War College Library in Washington, D. C., are missing. Both have large collections of military and naval history, science and tactics, and are rich in international law, foreign relations and diplomacy. The Meredith Publishing Company of Des Moines, Iowa, appears but the Iowa State College with a good collection of books on apiculture does not. While the Pacific Coast states are all represented, there are no entries for any states between them and the first tier of states west of the Mississippi. This volume covers 765 research library collections, with considerable detail. The 1925 edition of the *Special Libraries Directory* lists 975 such collections, more briefly of course, but very satisfactorily.

One tests a reference book by determining how well it satisfies one's own needs and interests. To that end, we choose two subjects: the science of navigation and cryptography. Under navigation we find five institutions, only one of which would seem to have an outstanding collection on this subject. One in particular, the Hartford Public Library, probably stresses aerial navigation, which is a highly specialized form of the science. We look in vain for the very good collection in the Navy Department, Office of Naval Records Library at Washington, the collection in the Naval Academy Library at Annapolis and the very large collection in the New York Public Library. There are no listings at all under the heading of cryptography.

Undoubtedly, these omissions and inclusions can be attributed to any one or several of the factors mentioned in the preface as determining the basis for selection: (1) the significance of the collection in its field; (2) the availability of the material; (3) unusual subject coverage; (4) Special Libraries Association group coverage; (5) Government document depository libraries; (6) information at hand at time of going to press.

No doubt the compilers would be the first to admit that this volume is neither inclusive, complete in details, nor entirely accurate. The urge to appear in print sometimes overcomes the natural reluctance of editors to issue an incomplete work. Perhaps the reader should have been taken more

fully into the confidence of the editors, in the preface, so that he might have been prepared for such temporary faults as he would have found.

It is easy to pick flaws in a work of this nature. Making a compilation of this kind is an ambitious project that might well have frightened the most foolhardy librarian. Success depends as much, if not more, upon the co-operation of the institutions themselves as it does upon the skill and ardor of the compilers. It is remarkable, not that this book is no better than it is, but that it is as good as it is. We will all look forward to the publication of Volume II, which we are sure will supply all the omissions in Volume I.

G. William Bergquist

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